

CRIMES AGAINST HUMANITY: WHEN WILL INDONESIA'S MILITARY BE HELD ACCOUNTABLE FOR DELIBERATE AND SYSTEMATIC ABUSES IN WEST PAPUA?

HEARING BEFORE THE SUBCOMMITTEE ON ASIA, THE PACIFIC AND THE GLOBAL ENVIRONMENT OF THE COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES ONE HUNDRED ELEVENTH CONGRESS SECOND SESSION

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CRIMES AGAINST HUMANITY: WHEN WILL INDONESIA'S MILITARY BE HELD ACCOUNTABLE FOR DELIBERATE AND SYSTEMATIC ABUSES IN WEST PAPUA?

WEDNESDAY, SEPTEMBER 22, 2010

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ASIA, THE PACIFIC
AND THE GLOBAL ENVIRONMENT,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 3:06 p.m. in room 2172, Rayburn House Office Building, Hon. Eni F.H. Faleomavaega (chairman of the subcommittee) presiding.

Mr. FALEOMAVAEGA. The subcommittee hearing will come to order. This is the Foreign Affairs Subcommittee on Asia, the Pacific and the Global Environment. And the topic for discussion this afternoon with our witnesses is "Crimes Against Humanity: When Will Indonesia's Military Be Held Accountable for Deliberate and Systematic Abuses in West Papua?"

I am going to begin the hearing by making my opening statement, and I will then defer to my colleagues who have also joined me this afternoon, my good friend, Dr. Diane Watson, former ambassador to the FSM and a Member from the State of California. Also, my dear colleague, Congressman Inglis, has joined us at this hearing.

After giving and presenting our opening statements, then we will then have our friends from the administration testify before us. So I will begin now with my opening statement.

My good friend and colleague, the ranking member of the subcommittee is not here with us, but that is fully understandable. There has been so much on our schedules. And I want to note for the record that my dear friend and colleague, Congressman Don Payne, unfortunately, is still on travel. But he does definitely want to send his personal regards and to submit his statement as part of the record of this hearing.

To my knowledge, today's hearing is historic. This hearing is the first hearing ever held in the U.S. Congress that gives voice to the people of West Papua. Since 1969, the people of West Papua have been deliberately and systematically subjected to slow motion genocide, in my humble opinion, by Indonesian military forces. And yet Indonesia declares that the issue is an internal matter, while the U.S. Department of State recognizes and respects the territorial in-

tegrity of Indonesia. The truth is, this is no issue of territorial integrity or an internal matter. The record is clear on this point.

West Papua was a former Dutch colony for years, just as East Timor was a former Portuguese colony, just as Indonesia was a former colony of the Netherlands. Because of its status as a former colony, East Timor achieved its independence from Indonesia in 2002 through a referendum sanctioned by the United Nations despite Indonesia's serious objections over East Timor's right of self-determination.

In contrast, in 1962, the United States pressured the Dutch to turn over control of West Papua to the United Nations. Under the U.S.-brokered deal, then known as Ambassador Ellsworth Bunker's proposal, Indonesia was to make arrangements with the assistance and participation of the United Nations to give Papuans an opportunity to determine whether they wished to become part of Indonesia or not.

In what became known as the Act of No Choice carried out in 1969, 1,025 West Papuan elders, under heavy military surveillance, were selected to vote on behalf of some 800,000 West Papuans regarding the territory's political status. In spite of serious violations of the U.N. charter and no broad-based referendum, West Papua was forced to become a part of Indonesia at the barrel of a gun.

According to the Congressional Research Service, and I quote,

"Declassified documents released in July 2004 indicate that the United States supported Indonesia's takeover of Papua in the lead up to the 1969 Act of Free Choice, even though it was understood that such a move was likely unpopular with the Papuans. The documents reportedly indicate that the United States estimated that between 85 and 90 percent of Papuans were opposed to Indonesian rule and that, as a result, the Indonesians were incapable of winning an open referendum at the time of Papua's transition from Dutch colonial rule. Such steps were evidently considered necessary to maintain the support of Suharto's Indonesia during the height of the Cold War."

Bluntly put, in exchange for Suharto's anti-Communist stance, the United States expended the hopes and dreams and the lives of some 100,000 West Papuans who consequently died as a result of Indonesian military rule. Although some challenge this estimate, it is an indisputable fact that Indonesia has deliberately and systematically committed crimes against humanity and has yet to be held accountable.

While I have expressed my concern that there is strong indication that the Indonesian Government has committed genocide against the West Papuans, I am disappointed that the U.S. Department of State requested that I omit the word "genocide" in the initial title I put forward for this hearing. The State Department requested a change in title based on the assertion that the word genocide is a legal term.

Article 2 of the 1948 United Nations Convention on the Prevention and Punishment of Crimes of Genocide defines genocide as, and I quote,

"any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group;

killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the groups; forcibly transferring children of the group to another group.”

This definition of genocide under international law accurately describes the crimes against humanity perpetrated by Indonesia’s military, whether the U.S. State Department agrees or not. But given U.S. complicity, it is little wonder that every administration wishes to distance itself from this ugliness.

As Joseph Conrad wrote in his book, *The Heart of Darkness*, and I quote,

“The conquest of the earth, which mostly means the taking away from those who have a different complexion or slightly flatter noses than ourselves is not a pretty thing when you look into it too much.”

When you look into it too much, nothing about Indonesia’s ruthless brutality or U.S. complicity is a pretty thing. Three years ago, I led a congressional delegation to Indonesia under personal promise from President SBY and Vice President Kalla that I would be granted 5 days to visit Biak, Manokwari, and most importantly, Jayapura, in support of efforts to implement special autonomy that was approved by the Government of Indonesia since 2001.

However, while en route to Jakarta, I received word that the Indonesian Government would only grant 3 days for my visit. Upon my arrival in November 3 years ago, I was informed that I would be granted only 1 day and that I would not be allowed even to visit Jayapura. As it played out, I was granted 2 hours in Biak and 10 minutes in Manokwari.

In Biak, I met with Governor Suebu and our traditional, religious and local leaders hand selected by the government. Other Papuans, like Chief Tom Beanal and Mr. Willie Mandowen, were detained by the military until my office interceded. U.S. Ambassador Cameron Hume and I also had to make our way through a military barricade because Indonesian military forces, TNI, had blocked Papuans from meeting our delegation. For the record, I am submitting photos showing the excessive presence of military forces.

In Manokwari, the military presence was even worse. Prior to my arrival in Manokwari, I was told that I would be meeting with the Governor, only to learn upon my arrival that he was in China and had been there for the past 5 days. Ten minutes later, I was put on a plane while the TNI, in full riot gear, forcibly kept the Papuans from meaningful dialogue with our delegation.

At this time, I would like to share with my colleagues some videotape of my visit 3 years ago. But before showing this—hold it—I want to give an opportunity to the members of our Papuan delegation. I think they have a song that they would like to sing for our audience. Gentlemen, please be patient with us. These people traveled all the way from Indonesia, so the least that we could do is to give them the courtesy of time to share some of their culture. I told them to make sure the song is melodious and meaningful and

good for everybody to hear. You can come here in the front. Come right up here in the front row here.

[Song performed in hearing room.]

Mr. FALCOMA. Thank you very much. I wanted to share with our government witnesses and my colleagues a little video that was taken on my visit to West Papua. And please go ahead.

[Video shown.]

Mr. FALCOMA. That was my 10 minute experience in Manokwari. After this experience and upon my return to Washington, I wrote to President SBY expressing my disappointment. But Jakarta never responded to my letter 3 years ago. And in March, 2 years ago, Chairman Don Payne of the Foreign Affairs Subcommittee on Africa and World Health joined me in sending another letter to President SBY which expressed our deep concern about Indonesia's misuse of military force. We included photographs and a DVD of my experience while in Biak and Manokwari. Again, Jakarta never bothered to reply to our letters.

Two years ago in March, Chairman Payne and I also wrote to U.S. Secretary of Defense Robert Gates and included a copy of our letter to President SBY, as well as the DVD and photographs. Despite the serious concerns we raised about Indonesia's failure to live up to its promises to allow Members of Congress access to Jayapura and our request to restrict funding to train Indonesia's military forces, his reply in April was trite and indifferent, as if West Papua was of no consequence to our national agenda. He concluded his letter by erroneously stating, "TNI performance on human rights has improved dramatically." Copies of these letters as well as the photographs and DVD are included for the record.

Copies of our materials which we sent in March 2 years ago to the House Committee on Foreign Affairs, Senate Committee on Foreign Relations and House and Senate Appropriations Subcommittees on State and Foreign Operations and the House Appropriations Subcommittee on Defense and the Congressional Black Caucus are also included for the record.

In March 5 years ago, Chairman Payne and I wrote to Secretary General Kofi Annan asking for a review of the United Nations' conduct in West Papua. Thirty five other Members of Congress from the Congressional Black Caucus signed the joint letter, which I am also submitting that letter for the record.

This year, Chairman Payne and I once more have spearheaded an effort calling upon this administration and President Obama to deal fairly with the people of West Papua and to meet with the Team of 100 indigenous Papuan leaders during his upcoming visit, hopefully in November of this year, to Indonesia. Although our letter of June 9 of this year was signed by 50 members of the U.S. Congress, the U.S. Department of State could not be bothered to send us a thoughtful reply. Instead, we received a dismissive letter in August signed by the Assistant Secretary for Legislative Affairs, rather than by the U.S. Secretary of State, which sends a clear signal that this administration may not be any different from any other in its response to addressing our grave concerns about West Papua. As a matter of record, I am also including these documents as part of the record.

Also, I am including a video that, due to its sensitive subject matter I cannot and will not show. The video depicts a violent murder of a Papuan citizen who was killed, and I hate to use the word—gutted—by a member of the Indonesian special force corps, or Brigade Mobile, while the victim was still alive and pleading for someone to kill him in order to put him out of his misery. This isn't the only murder. The late Papuan leader Theys Hiyo Eluay was also savagely murdered, and the list of lives lost goes on and on.

As the chairman of this subcommittee, I believe I have been very patient. Yes, I realize the importance of the U.S.-Indonesia relationship. Indonesia is the most populous Muslim nation in the world, with some 224 million people, and the U.S. has a strong interest in reaching out to the Islamic and Muslim world. But our own struggle against Islamic militancy should not come at the expense of the pain and killings and suffering of the people of West Papua. This is not the America that I know of. We can and must do better. In his statement before the United Nations against apartheid, Nelson Mandela said, and I quote, "It will forever remain an accusation and challenge to all men and women of conscience that it took so long as it has before all of us stood up and to say enough is enough." This is how I honestly feel about the situation in West Papua. It is my sincere hope that today's hearing will help us find the way forward.

So far, Indonesia has failed miserably to implement special autonomy, and as a result, there is a sense of growing frustration among the Papuans, and rightfully so. I said years ago, and this has always been my premise in saying to my friends in Indonesia, since Indonesia has done such a lousy job in the treatment of the West Papuans, you might as well give them their independence. According to CRS, and I quote,

"Migration by non-Melanesian Indonesians from elsewhere in the nation appears to be a critical part of the mounting tensions. By some accounts, Melanesian Papuans will be in the minority in their own homeland by the year 2015."

There is so much more I want to say about the commercial exploitation of West Papua's renowned mineral wealth, which includes vast reserves of gold and copper and nickel and oil and gas, and yes, an American company, Freeport Mining Company, which has played a shameful role in this exploitation. I will address these issues in my questioning of our witnesses.

In conclusion, I want to thank Edmund McWilliams, a retired U.S. Senior Foreign Service Officer of the State Department, who has been a long-time advocate for the people of West Papua. Mr. McWilliams was unable to be with us today, but he has submitted testimony for the record that will be included in today's hearing.

I also want to welcome our Papuan leaders who have flown at considerable expense to testify before this subcommittee. I presume none flew at the expense of the Indonesian Government, but we will find out during these proceedings. Most Papuan leaders who are with us today have lived the struggle. Whatever the differences and whatever the situations, some have returned home after being refugees or in asylum in other countries, returned home and reclaimed Indonesian citizenship. I am unclear as to their role in the

struggle that they have given up and never fully lived. I hope they will provide an explanation at this hearing.

And now I recognize my good friend, Congressman Inglis from South Carolina for his opening statement, if he has one.

[The prepared statement of Mr. Faleomavaega follows:]

**COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515**

**STATEMENT OF
THE HONORABLE ENI F.H. FALEOMAVAEGA
CHAIRMAN**

**before the
SUBCOMMITTEE ON ASIA, THE PACIFIC AND THE
GLOBAL ENVIRONMENT**

**“Crimes Against Humanity: When Will Indonesia’s Military Be Held Accountable for
Deliberate and Systematic Abuses in West Papua?”**

September 22, 2010

To my knowledge, today’s hearing is historic. This hearing is the first hearing ever held in the U.S. Congress that gives voice to the people of West Papua.

Since 1969, the people of West Papua have been deliberately and systematically subjected to slow-motion genocide by Indonesian military forces yet Indonesia declares that the issue is an internal matter while the U.S. Department of State “recognizes and respects the territorial integrity of Indonesia.” The truth is, this is no issue of territorial integrity or an internal matter, and the record is clear on this point.

West Papua was a former Dutch colony for some 100 years just as East Timor was a former Portuguese colony just as Indonesia was a former colony of the Netherlands. Because of its status as a former colony, East Timor achieved its independence from Indonesia in 2002 through a referendum sanctioned by the United Nations (UN), despite Indonesia’s serious objections over East Timor’s right to self-determination.

In contrast, in 1962 the United States pressured the Dutch to turn over control of West Papua to the United Nations. Under the U.S.-brokered deal, Indonesia was to “make arrangements with the assistance and participation of the United Nations” to give Papuans an opportunity to determine whether they wished to become part of Indonesia or not.

In what became known as the Act of No Choice carried out in 1969, 1025 West Papua elders under heavy military surveillance were selected to vote on behalf of 809,327 West Papuans regarding the territory’s political status. In spite of serious violations of the UN Charter and no broad-based referendum, West Papua was forced to become a part of Indonesia by the barrel of a gun.

According to the Congressional Research Service (CRS), "declassified documents released in July 2004 indicate that the United States supported Indonesia's take-over of Papua in the lead up to the 1969 Act of Free Choice even as it was understood that such a move was likely unpopular with Papuans. The documents reportedly indicate that the United States estimated that between 85% and 90% of Papuans were opposed to Indonesian rule and that as a result the Indonesians were incapable of winning an open referendum at the time of Papua's transition from Dutch colonial rule. Such steps were evidently considered necessary to maintain the support of Suharto's Indonesia during the Cold War."

Bluntly put, in exchange for Suharto's anti-communist stance, the United States expended the hopes and dreams and lives of some 100,000 Papuans who consequently died as a result of Indonesian military rule. Although some challenge this estimate it is an indisputable fact that Indonesia has deliberately and systematically committed crimes against humanity and has yet to be held accountable.

While I have expressed my concern that there is strong indication that the Indonesian government has committed genocide against the Papuans, I am disappointed that the U.S. Department of State requested that I omit the word 'genocide' in the initial title I put forward for this hearing. The State Department requested a change in title based on the assertion that 'genocide' is a legal term.

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As Joseph Conrad wrote in his book *The Heart of Darkness*, "The conquest of the earth, which mostly means the taking it away from those who have a different complexion or slightly flatter noses than ourselves, is not a pretty thing when you look into it too much."

When you look into it too much, nothing about Indonesia's ruthless brutality or U.S. complicity is a pretty thing. In 2007, I led a Congressional Delegation (CODEL) to Indonesia on the personal promise of President SBY and Vice President Kalla that I would be granted 5 days to visit Biak, Manokwari, and, most importantly, Jayapura, in support of efforts to implement special autonomy that was approved by the government of Indonesia since 2001.

However, while enroute to Jakarta, I received word that the Indonesian government would only grant 3 days for my visit. Upon my arrival on November 25, 2007, I was informed

that I would be granted only 1 day and that I would not be allowed to visit Jayapura. As it played out, I was granted 2 hours in Biak and 10 minutes in Manokwari.

In Biak, I met with Governor Suebu, and other traditional, religious and local leaders hand-selected by the government. Other Papuans, like Chief Tom Beanal and Mr. Willie Mandowen were detained by the military until my office interceded. U.S. Ambassador Cameron Hume and I also had to make our way through a military barricade because Indonesia military forces (TNI) had blocked Papuans from meeting with me. For the record, I am submitting photos showing the excessive presence of military force.

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After this experience and upon my return to Washington, I wrote to President SBY expressing my disappointment but Jakarta never responded to my letter of December 12, 2007. On March 5, 2008, Chairman Donald Payne of the Foreign Affairs Subcommittee on Africa joined with me in sending another letter to President SBY which expressed our deep concern about Indonesia's misuse of military force. We included photographs and a DVD of my experience while in Biak and Manokwari. Again, Jakarta did not bother to reply.

On March 5, 2008, Chairman Payne and I also wrote to U.S. Secretary of Defense Robert Gates and included a copy of our letter to President SBY as well as the DVD and photographs. Despite the serious concerns we raised about Indonesia's failure to live up to its promises to allow Members of Congress access to Jayapura and our request to restrict funding to train Indonesia's military forces, his reply of April 2, 2008 was trite and indifferent, as if West Papua is of no consequence. He concluded his letter by erroneously stating, "TNI performance on human rights has improved dramatically." Copies of these letters as well as the photographs and DVD are included for the record.

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As Chairman of this Subcommittee, I have been very, very patient. Yes, I realize the importance of the U.S.-Indonesia relationship. Indonesia is the most populous Muslim-majority nation in the world and the U.S. has a strong interest in reaching out to the Islamic world. But our own struggle against Islamist militancy should not come at the expense of the pain and killing and suffering of the people of West Papua. This is not the America I know.

We can and must do better. In his statement before the UN against Apartheid, Nelson Mandela said, "It will forever remain an accusation and challenge to all men and women of conscience that it took so long as it has before all of us stood up to say enough is enough." This is how I feel about West Papua.

It is my sincere hope that today's hearing will help us find a way forward. So far, Indonesia has failed miserably to implement Special Autonomy and, as a result, there is a sense of growing frustration among the Papuans, and rightfully so. According to CRS, "migration by non-Melanesian Indonesians from elsewhere in the nation appears to be a critical part of the mounting tensions. By some accounts Melanesian Papuans will be in the minority in their homeland by 2015."

While there is so much more I want to say about the commercial exploitation of West Papua's renowned mineral wealth which includes vast reserves of gold, copper, nickel, oil and gas and Freeport USA's own shameful role in this exploitation, I will address these issues in my questioning of our witnesses.

In conclusion, I want to thank Edmund McWilliams, a retired U.S. Senior Foreign Service Officer, who has been a long-time advocate for the people of West Papua. Mr. McWilliams was unable to be with us today but he has submitted testimony for the record which will be included.

I also want to welcome our Papuan leaders who have flown at considerable expense to testify before this Subcommittee. I presume none flew at the expense of the Indonesian government but we will find out during these proceedings. Most of the Papuan leaders who are with us today have lived the struggle. Others have only recently returned after living in Sweden for some 38 years. They have since returned home and reclaimed Indonesian citizenship but I

am unclear as to their role in a struggle they have given up or never fully lived. I hope we will be provided an explanation.

Mr. INGLIS. Thank you, Mr. Chairman. Just a couple of things. One is, thank you to those that performed. That was a treat to come here and hear that. And what telling video there that the chairman presented. And his opening statement, I think, shows the value of Members of Congress traveling to places like you traveled to. You know, I have never been to Indonesia, and really don't have firsthand knowledge of these facts. But the chairman went there, obviously at some risk to himself, and to do so is to gain firsthand knowledge of the situation. And I wish that more Americans who are in the mood right now of saying there is no need to do any of that could have seen that video and heard what you said, Mr. Chairman, because I think they might change their mind and realize how important it is for the Foreign Affairs Committee especially, and other committees as well, to be engaged in that kind of firsthand fact finding because you are able now to run a very knowledgeable hearing.

So I should just defer to you and say thank you for essentially educating the rest of us by the video and the opening statement. And appreciate the opportunity to be here.

Mr. FALEOMAVAEGA. I thank the gentleman for his comments. And one of the things that I think our friends from West Papua, Indonesia, as I tried to inform them, one of the unique features of American democracy is that Congress is a co-equal branch with the executive branch of government. Separation of powers, and under our constitutional privileges, we have the power to conduct oversight hearings as a way to counterbalance whatever activities or whatever it is that the President, in his honest opinion, is doing the right thing for the American people and for our Government and again, I thank the gentleman for his kind comments.

And by the way, I was a little concerned, but I think basically what I wanted to share with my colleagues is that the people just simply want to meet and to express their concerns on some of the issues that have been lying low or under the table and not been brought out for public scrutiny. And this is something that people have asked me: "Well, why are you so interested in West Papua? You are not even Papuan." I say, "That is true. But over 100 years ago, many of my relatives and people from Samoa were missionaries who went to Papua and shared Christianity as a religion with many of the Papuan people. And one of my relatives served as a pastor, a missionary there for some 17 years, and three of his children are buried there." So I guess that is the kinship with the people of West Papua.

And I have always wondered, who were the so-called experts who divided our Pacific people, saying that Micronesians are people from small islands, because that is what the word, Micronesia, refers to; and Polynesians are from many islands. And then they give an ethnic description to our brothers and sisters from Melanesia because they are Black. That kind of has a little tinge of racism.

And I don't know who the idiot was, whether he was an anthropologist or archeologist who gave this description to the peoples of the Pacific.

So with that, my good friend, the gentleman, I thank you. The gentlelady from California for her opening statement.

Ms. WATSON. I want to thank you, Mr. Chairman. This is a very timely hearing to look at the situation in Papua. And I join you in your concerns regarding the Government of Indonesia. A Papuan journalist was recently found dead with signs of torture, reports of political repression, and allegations of military campaigns; disseminating indigenous communities. The State Department report on Indonesia released this year notes that although Indonesia generally respected the rights of its citizens, there have been problems this year citing killings by security forces. Though most agree that the crimes have been committed against the indigenous population, there is less agreement that it has been done in a deliberate and systematic way by the government in Jakarta. It is important to understand the intent and the method of the recent actions of the government. However, tensions are on the rise and separatist sentiments are growing.

The Papuan people assemblies just voted against autonomy status because they do not feel that it is serving the people. In migration is also causing angst in the native population, as they are rapidly becoming the minority in their own homeland. It is important that we address this growing unrest in West Papua.

The United States has already been documented going against the will of the people. If you recall, declassified documents released in 2004 indicated that the U.S. supported Indonesia's takeover of Papua in the lead up to the 1969 Act of Free Choice, even as it was understood that such a move was likely unpopular to the Papuans. As this administration struggles to find a position on the issue, I hope it will consider the rights and the abuse suffered by the people of West Papua. Indonesia is a vital nation in the fight against Islamic extremists, and it is a past home of our current President, Barack Obama. I look forward to hearing the administration's position and their action plan on this most dire situation. So I thank you, Mr. Chairman, and I yield back the remainder of my time.

[The prepared statement of Ms. Watson follows:]

**Statement
Congresswoman Diane E. Watson
Subcommittee on Asia and Global Environment
Committee on Foreign Affairs
Wednesday, September 22, 2010
2172 Rayburn House Office Building
3:00 p.m.**

***“Crimes Against Humanity:
When Will Indonesia’s Military Be Held Accountable for
Deliberate and Systematic Abuses in West Papua?”***

Good afternoon Mr. Chairman and thank you for holding this timely hearing on the situation in West Papua. There are serious concerns regarding the government of Indonesia. A Papuan journalist was recently found dead with signs of torture, reports of political repression, and allegations of military campaigns decimating indigenous communities. The State Department report on Indonesia released this year notes that although Indonesia generally respected the rights of its citizens, there have been problems this year, citing killings by security forces.

Though most agree that the crimes have been committed against the indigenous population, there is less agreement that it has been done in a deliberate and systematic way by the government in Jakarta. It is important to understand the intent and method of the recent actions of the government.

However, tensions are on the rise. Separatist sentiments are growing. The Papuan People’s Assembly just voted against autonomy status because they do not feel that it is serving the people. In-migration is also causing angst in the native populations, as they are rapidly becoming the minority in their own homeland. It is important that we address this growing unrest in West Papua.

The U.S. has already been documented going against the will of the people. If you recall, declassified documents release in 2004 indicated that the U.S. supported Indonesia’s takeover of Papua in the lead up to the 1969 Act of Free Choice even as it was understood that

such a move was likely unpopular with Papuans. As this Administration struggles to find a position on this issue, I hope it will consider the rights and abuse suffered by the people of West Papua. Indonesia is a vital nation in the fight against Islamic extremism and b it is a past home of our current President. I look forward to hear the Administration's position and action plan for this situation.

Thank you Mr. Chairman and I yield back the remainder of my time.

Mr. FALCOMA. Thank the gentlelady for her statement. And at this time, I would like to introduce our two witnesses representing the administration. The first gentleman is Mr. Joseph Yun, who is currently the Deputy Assistant Secretary in the Bureau of East Asian and Pacific Affairs in the U.S. Department of State, responsible primarily for relations with Southeast Asia and the ASEAN countries. He previously held positions as Director of the office of Maritime Southeast Asia in the Bureau of East Asian and Pacific Affairs in the Department of State. He was also Minister-Counselor for political affairs at the U.S. Embassy in Korea. Mr. Yun's other overseas postings include Thailand, France, Indonesia and Hong Kong.

Mr. Yun joined the Foreign Service in 1985. He is a career member of the senior Foreign Service. And before joining the Foreign Service, he was a senior economist for Data Resources, Incorporated, in Massachusetts. Mr. Yun holds degrees from the London School of Economics and the University of Wales. I am very, very happy that he is able to come this afternoon to testify.

Our other witness today is Secretary Robert Scher. He is the Deputy Assistant Secretary for Defense for South and Southeast Asia. In this capacity, Mr. Scher serves as the principal advisor to senior leadership within the Department of Defense for all policy matters pertaining to strategies and plans including interagency issues for international strategy development and implementation. Mr. Scher's area of responsibility includes bilateral security relations with India and all other South Asian countries, and also the Pacific Island nations.

Tremendous history. He has worked for some 15 years with the Departments of Defense and State and has held numerous posts covering Asian security and defense policy.

Mr. Scher received his Bachelor of Arts degree from Swarthmore College with high honors, and a Master of International Relations from Columbia University's School of International Public Affairs. He was awarded the DuPont International Affairs fellowship.

And gentlemen, again, I really want to thank both of you for taking the time from your busy schedules to testify before this subcommittee. And I would like to now give you the opportunity to make your statements. Secretary Yun.

STATEMENT OF MR. JOSEPH Y. YUN, DEPUTY ASSISTANT SECRETARY, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. YUN. Chairman Faleomavaega, members of the subcommittee, thank you for holding this important hearing.

Mr. FALEOMAVAEGA. Can you put the mic closer to you so that you can be heard better?

Mr. YUN. Thank you for holding this important hearing today and asking me to testify on the situation in Papua. With your permission, I would like to make brief remarks and submit a longer statement for the record.

Mr. FALEOMAVAEGA. Without objection, both of the gentlemen's statements will be made part of the record. And if you have any extraneous materials you want to add to your statements, it will be done.

Mr. YUN. Thank you. Developments in Papua are closely monitored and followed by the Department of State, and these represent an important aspect of our overall relations with Indonesia. The United States recognizes and respects the territorial integrity of Indonesia within its concurrent borders and does not support or condone separatism in Papua or in any other part of the country. At the same time, we strongly support respect for universal human rights within Indonesia, including the right of peaceful assembly, free expression of political views and fair and non-discriminatory treatment of ethnic Papuans within Indonesia.

Within this context we have consistently encouraged the Indonesian Government to work with the indigenous Papuan population to address their grievances, resolve conflicts peacefully, and support development and good governance in the Papuan provinces. The administration believes the full implementation of the 2001 special autonomy law for Papua which emerged as part of Indonesia's democratic transition, would help resolve long-standing grievances. We continue to encourage the Indonesian Government to work with Papuan authorities to discuss ways to empower Papuans and further implement the special autonomy provisions which grant greater authority to Papuans to administer their own affairs.

Advancing human rights is one of our primary foreign policy objectives, not only in Indonesia, but throughout the world. We want to see the right of peaceful, free expression of political views and freedom of association observed throughout the world, including in Papua.

We monitor allegations of human rights violations in Papua and West Papua and we report on them in our annual Country Report on Human Rights. With the growth of democracy over the past decade in Indonesia, there has been substantial improvement in respect for human rights, although there remain credible concerns about human rights violations. The improvement includes Papua, although, as our annual reporting has documented, there continues to be some credible allegations of abuse. We regularly engage the Government of Indonesia on the importance of respect for human rights by security forces, and we continue to emphasize our strong support for an open and transparent legal system to look into any claims of excessive use of force.

It is critical that independent and objective observers have unrestricted access to Papua in order to monitor development. At present, Indonesian journalists, NGOs and Indonesian citizens may travel freely to Papua and West Papua. However, the Indonesian Government requires that foreign journalists, NGOs, diplomats and parliamentarians obtain permission to visit Papua. We continue to encourage the Indonesian Government to give these groups, including the International Committee of the Red Cross, full and unfettered access to Papua and West Papua.

There are several factors which have contributed to tensions in Papua. One is the demographic shifts. Migration from other parts of Indonesia has increased the number of non-Papuan residents to about 40 percent of the current population in Papua and West Papua. The total population of both provinces is 2.4 million, of which 900,000 are migrants. Past government-sponsored transmigration programs which moved households from more densely populated areas to less populated regions accounts for part of the influx.

The majority of the population shift has resulted from natural migration trends from Indonesia's large population centers to Papua where there is relatively low population density. Some Papuans have voiced concerns that the migrants have interfered with their traditional ways of life, land usage, and economic opportunities.

Another factor is lack of economic development. Although the region is rich in natural resources, including gold, copper, natural gas and timber, Papua lags behind other parts of Indonesia in some key development indicators. Poverty is widespread in Papua, and Papua has the lowest level of adult literacy in Indonesia. The region also has a disproportionately high number of HIV/AIDS cases compared to the rest of Indonesia, and high rates of infant and maternal mortality.

Another factor I would like to mention is that the special autonomy law of 2001 has not been fully implemented in Papua. Implementation has been delayed due to lack of implementing regulations. In addition, the provincial governments have lacked the capacity to take on certain key responsibilities in some central government ministries, and some central government ministries have yet to cede their authorities. Although full implementation of special autonomy has not yet been realized, Indonesian Government officials point to increased funding to Papua which has totaled 27 trillion rupiah, or approximately 3 billion U.S. dollars in the past 9 years. This is a higher per capita than any other area in Indonesia.

In terms of U.S. assistance, the United States is working in partnership with Government of Indonesia and the provincial Government of Papua and West Papua to find ways to address the key development challenges of Papua, including good governance, health, education and environment protection. USAID conducts various programs in Papua targeting economic growth, democratic governance, health, environment and education. These programs total \$11.6 million, or 7 percent of the USAID's budget for Indonesia for Fiscal Year 2010.

In addition to USAID programs, the Department of State also brings Papuans to the U.S. for thematic engagement on issues like resource distribution. Our Fulbright programs had over 22 grantees from Papua. We also partner with the private sector to effectively leverage resources. For example, in public private partnership, the Fulbright Freeport scholarship program has funded 18 individuals from Papua to study in the United States.

Embassy Jakarta maintains a vigorous schedule of engagement in Papua and West Papua, and U.S. mission officers routinely travel to provinces. I understand that Ambassador Marciel, who arrived at post recently, plans to travel to Papua in October.

In closing, I would like to emphasize that Papua plays an important role in our sustained engagement with the Government of Indonesia. While Indonesia's overall human rights situation has improved along with the country's rapid democratic development, we are concerned by allegations of human rights violations in Papua and continuously monitor the situation there. We urge increased dialogue between the central government and Papuan leaders and the full implementation of the special autonomy law. We will continue to provide assistance to build a strong economic and social foundation in Papua. Thank you for giving me the opportunity to testify before you today. I am pleased to answer any questions you may have.

[The prepared statement of Mr. Yun follows:]

**Statement of
Joseph Y. Yun
Deputy Assistant Secretary
Bureau of East Asian and Pacific Affairs
U.S. Department of State**

Before the

**House Foreign Affairs Committee
Subcommittee on Asia, the Pacific and the Global Environment**

September 22, 2010

The Status of Papua, Indonesia

Chairman Faleomavaega, Mr. Manzullo, and Members of the Subcommittee, thank you for inviting me to testify today on the situation in Papua.

U.S. Policy

Developments affecting Papua, which includes the Indonesian provinces of Papua and West Papua, are closely followed by the Department of State and represent an important aspect of our overall relations with Indonesia. The United States recognizes and respects the territorial integrity of Indonesia within its current borders and does not support or condone separatism in Papua, or in any other part of the country. At the same time, we strongly support respect for universal human rights within Indonesia, including the right of peaceful assembly, free expression of political views, and the fair and non-discriminatory treatment of ethnic Papuans within Indonesia.

Within this context, we have consistently encouraged the Indonesian government to work with the indigenous Papuan population to address their grievances, resolve conflicts peacefully, and support development and good governance in the Papuan provinces. The Administration believes the full implementation of the 2001 Special Autonomy Law for Papua, which emerged as part of Indonesia's democratic transition, would help resolve long-standing grievances. We continue to encourage the Indonesian government to work with Papuan authorities to discuss ways to empower Papuans and further implement the Special Autonomy provisions, which grant greater authority to Papuans to administer their own affairs.

Human Rights

Advancing human rights is one of our primary foreign policy objectives not only in Indonesia, but also throughout the world. We believe that respect for human rights helps to strengthen democracy. We want to see the right of peaceful, free expression of political views and freedom of association observed throughout the world, including in Papua.

We monitor allegations of human rights violations in Papua and West Papua, and we report on them in the annual Country Report on Human Rights. With the growth of democracy over the past decade in Indonesia, there has been substantial improvement in respect for human rights, although there remain credible concerns about human rights violations. The improvement includes Papua, although, as our annual reporting has documented, there continues to be some credible allegations of abuse. We regularly engage the Government of Indonesia on the importance of respect for human rights by security forces, and we continue to emphasize our strong support for an open and transparent legal system to look into any claims of excessive use of force. We also urge them to increase accountability for past human rights abuses. We deplore violence committed by armed groups, including in Papua, against civilians and government security forces.

It is critical that independent and objective observers have unrestricted access to Papua in order to monitor developments. At present, Indonesian journalists, nongovernmental organizations (NGOs), and Indonesian citizens may travel freely to Papua and West Papua. However, the Indonesian government requires that foreign journalists, NGOs, diplomats, and parliamentarians obtain permission to visit Papua. We continue to encourage the Indonesian government to give these groups, including the International Committee of the Red Cross, full and unfettered access to Papua and West Papua.

Papuans are Indonesian citizens and are free to travel to other parts of Indonesia.

Demographic Shifts

Migration from other parts of Indonesia has increased the number of non-Papuan residents to about 40 percent of the current population in Papua and

West Papua. The total population of both provinces is 2.4 million, of which 900,000 are migrants. Past government-sponsored transmigration programs, which moved households from more densely populated areas to less populated regions, account for part of the influx. The majority of the population shift has resulted from natural migration trends from Indonesia's large population centers to Papua where there is relatively low population density. Some Papuans have voiced concerns that the migrants have interfered with their traditional ways of life, land usage, and economic opportunities.

Economic Development

Although the region is rich in natural resources, including gold, copper, natural gas, and timber, Papua lags behind other parts of Indonesia in some key development indicators. Poverty is widespread in Papua and Papua has the lowest level of adult literacy in Indonesia at 74 percent. The region also has a disproportionately high number of HIV/AIDS cases compared with the rest of Indonesia and high rates of infant and maternal mortality.

According to the World Bank, the two greatest challenges to economic development are Papua's topography and climate—great distances between towns, steep mountains, swampy lowlands, fragile soils, and heavy seasonal rainfall—and its social structure—low population density and cultural fragmentation.

Special Autonomy

Indonesia's parliament in 2001 granted Special Autonomy to Papua, which, along with Aceh, was one of the two areas in Indonesia that harbored high-profile separatist movements. This law devolved to provincial and local authorities all government functions outside of five national competencies; defense, foreign affairs, religious affairs, justice, and monetary/fiscal policy.

The Special Autonomy Law has not been fully implemented in Papua. Implementation has been delayed due to lack of implementing regulations. In addition, the provincial governments have lacked the capacity to take on certain key responsibilities and some central government ministries have yet to cede their authorities. Although full implementation of Special Autonomy has not yet been realized, Indonesian government officials point to increased funding to Papua, which has totaled Rp 27 trillion or approximately US\$3

billion in the past nine years, higher per capita than any other area in Indonesia. The Special Autonomy Law created the Papuan People's Council (MRP) to protect Papuan culture. Recently, the MRP rejected Special Autonomy, symbolically handing Special Autonomy back to Indonesian authorities. This action had no practical legal effect, but it did highlight the need for increased dialogue between Papua and Jakarta to resolve the region's outstanding differences.

We continue to encourage the Indonesian government and the provincial governments of Papua and West Papua to fully implement the Special Autonomy Law. This would include the promulgation of implementing regulations for all provisions of the law, central government action to ensure that provincial or local laws take precedence in areas of delegated authority, and actions to increase the capacity for development and good governance. We believe that full implementation would help to address Papuans' grievances against the central government. Dialogue between central authorities and the indigenous Papuan population could facilitate full implementation of Special Autonomy, and result in actions that would support development and boost good governance in Papua.

U.S. Assistance

The United States is working in partnership with the government of Indonesia and the provincial governments of Papua and West Papua to find ways to address the key developmental challenges of Papua, including increasing good governance, access to quality healthcare and education, and protecting the environment. The United States Agency for International Development (USAID) implements programs in Papua to foster improvements in these sectors with activities that total \$11.6 million, or 7 percent of USAID's budget for Indonesia for fiscal year 2010.

In addition to USAID programs, the Department of State also brings Papuans to the United States for thematic engagement on issues such as resource distribution. Our Fulbright programs have had over 22 grantees from Papua. We also partner with the private sector to leverage resources. For example, in a public-private partnership, the Fulbright-Freeport Scholarship Program has funded 18 individuals from Papua for study in the United States.

Embassy Jakarta maintains a vigorous schedule of engagement with Papua and West Papua. U.S. Mission officers routinely travel to the provinces. Ambassador Marciel, who arrived at post in mid-August, plans to travel to Papua soon after he presents his credentials to the Indonesian government. Officers maintain a wide base of contacts concerning Papua, including central and provincial government officials, human rights activists, military and police personnel, traditional and religious leaders, and NGO staff. In addition to official meetings, Embassy officers conduct regular public outreach in Papua and West Papua.

Conclusion

In closing, I would like to emphasize that Papua plays an important role in our sustained engagement with the Government of Indonesia. While Indonesia's overall human rights situation has improved along with the country's rapid democratic development, we are concerned by allegations of human rights violations in Papua and continuously monitor the situation there. We urge increased dialogue between the central government and Papuan leaders and the full implementation of the Special Autonomy Law. We will continue to provide assistance to build a strong economic and social foundation in Papua.

Thank you for giving me the opportunity to testify before you today. I am pleased to answer your questions.

Mr. FALEOMAVAEGA. Thank you Mr. Secretary. Secretary Scher.

STATEMENT OF MR. ROBERT SCHER, DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR SOUTH AND SOUTHEAST ASIA, ASIAN AND PACIFIC SECURITY AFFAIRS, U.S. DEPARTMENT OF DEFENSE

Mr. SCHER. Thank you, Chairman Faleomavaega and members of the subcommittee. Thank you for inviting me to appear before you today to provide testimony on the Indonesian military's activities in Papua and West Papua. This issue is important to our relationship with Indonesia and one that we in the Department of Defense pay close attention to. I look forward to sustaining a dialogue with you on these and other important issues concerning Indonesia.

As noted, I have submitted testimony for the record so will simply summarize that testimony now. Also, as you noted, it is important to see the situation in Papua and West Papua in the context of our overall relationship with Indonesia. Indonesia is a strategically important country to the United States for several reasons. It is the fourth most populous country on the planet. It is home to more Muslims than any other country in the world, and stretches

across key maritime transit routes that connect the Middle East to East Asia.

Since the fall of Suharto more than 10 years ago, Indonesia has also taken its place as the world's third largest democracy. In that short time, Indonesia has made great advancements in consolidating its democracy.

During the past decade, the Indonesian Armed Forces, or TNI, have undertaken several critical institutional reforms to help achieve Indonesia's goal of establishing greater respect for human rights, accountability and civilian control over the military. Among these reforms are formally removing the military from political affairs, establishing a clear delineation between the responsibilities of the civilian police forces and the TNI, and enhancing the authority of the civilian minister of defense.

While the United States has encouraged and applauds such reforms, it is important to note that the Government of Indonesia undertook them of its own volition. Indonesia's civilian and military leadership are both deeply committed to the goal of professionalization and continue to take significant steps to ensure that TNI is a force that understands the role of a responsible military in a democratic system. The TNI has made great strides in institutionalizing human rights training for its forces, but also knows that it has further to go. Recent steps in this effort include the inclusion of human rights seminars in military schooling, working with respected international institutions, such as the Norwegian Center for Human Rights and instituting refresher training prior to deployments. Respect for human rights is now a core feature of TNI doctrine, and all deployed soldiers are required to carry a booklet explaining the proper treatment of non combatants. Of course, the Department takes seriously any allegations of human rights abuses committed by Indonesian security forces no matter where they occur. When we hear of specific abuse allegations, the United States Government follows up on them through the appropriate State Department channels.

We recognize that there have been allegations of human rights abuses in Papua and West Papua. The Department of Defense takes these allegations very seriously, as we believe respect for human rights is a core mission of all responsible security forces. However, we have not yet seen any evidence to suggest that the incidents under discussion are part of a deliberate or systematic campaign by the TNI or Government of Indonesia. Moreover, the Government of Indonesia has stated that there are no ongoing military combat operations in Papua or West Papua.

While Indonesian security forces do not have a perfect record over the past years, their reforms are continuing and moving in the right direction. Earlier this year, the Indonesian Defense Minister issued a public statement addressing Indonesia's military's commitment to protecting human rights, explaining that reforms are in place to prevent future abuses, and expressing the TNI's commitment to holding human rights violators accountable.

Secretary Gates was recently in Jakarta and said,

"My view is that, particularly if people are making an effort to make progress, that recognizing that effort and working with

them further will produce greater gains in human rights for people.”

Put in other words, DoD simply believes that it is important to continue engagement with the TNI, in part, to continue to emphasize the importance of these reforms and the importance of continuing to make progress on these issues. We make clear that respect for human rights is an essential component of professional military behavior, and these issues are raised in every formal meeting I have with my Indonesian counterparts as recently as last week. Therefore, the Department and the U.S. Government will continue to treat any allegations of abuse with great seriousness. But together with our State Department colleagues, we will continue to closely monitor allegations of human rights abuses and work with the TNI and Indonesian Ministry of Defense toward appropriate investigation and accountability.

Thank you for this opportunity, and I look forward to answering any questions.

[The prepared statement of Mr. Scher follows:]

**Testimony
of
Deputy Assistant Secretary of Defense Robert Scher
Asian and Pacific Security Affairs
Office of the Secretary of Defense**

**before the
Subcommittee on Asia, the Pacific, and the Global Environment
Committee on Foreign Affairs
United States House of Representatives**

September 22, 2010

**“Crimes Against Humanity: When Will Indonesia’s Military Be Held
Accountable for Deliberate and Systematic Abuses in West Papua?”**

Mr. Chairman, thank you for the opportunity to discuss the Indonesian military’s activities in Papua and West Papua. This issue is important to our relationship with Indonesia, and one that we in the Department of Defense are paying very close attention to. I look forward to sustaining an on-going dialogue with you as these dynamics evolve.

Indonesia is a strategically important country to the United States for several reasons. It is the fourth most populous country on the planet, is home to more Muslims than any other country in the world, and stretches more than 3,000 miles across a key maritime transit route that connects the Middle East to East Asia. These have been facts for a long time. However, now we can add another reason that makes Indonesia important to the United States, and

that is that Indonesia is a democracy. In fact, since the fall of Suharto more than ten years ago, Indonesia has taken its place as the world's third largest democracy. In that short time, Indonesia has made great advancements in consolidating its democracy, an important piece of which is progress on both defense reform and military professionalization.

During the past decade, the Indonesian Armed Forces, known by the Indonesian acronym of TNI, have undertaken several critical institutional reforms to help achieve Indonesia's goal of establishing greater civilian control over the military. These reforms include formally removing the military from political affairs, as codified in Indonesian Law 34/2004; establishing a clear delineation between the responsibilities of the civilian police forces and the TNI; and enhancing the authority of the civilian defense minister. While the United States has encouraged and applauded such reforms, it is important to note that the Government of Indonesia undertook them of its own volition, as a reflection of its commitment to democratic values and to playing the role of a responsible leader in Southeast Asia. It is particularly notable that these reforms have taken place so shortly after Indonesia's transition from autocratic rule.

In addition to consolidating greater civilian authorities, the TNI also continues to shift its mission away from internal security, which is increasingly under the purview of the national police. Instead, in the post-Suharto era, the TNI has chosen to focus on largely regional security issues including maritime security, humanitarian assistance and disaster relief, and peacekeeping. These areas are the focal point of military-to-military cooperation between the United States and Indonesia and the primary mission sets on which U.S. capacity-building efforts are focused. Enhancing the TNI's ability to play a leading role on these issues is not only important for Indonesia's interests, but for U.S. interests as well, as we see Indonesia playing a more prominent role in these missions regionally and globally. This is increasingly critical as the United States faces complex and diverse security challenges in the Asia-Pacific region, challenges that cannot be successfully addressed without the cooperation of strong and responsible partners, such as Indonesia.

For example, given its strategic location surrounding critical sea lines of communication in the Straits of Malacca, Indonesia is a natural partner on maritime security affairs. The government of Indonesia places a strong emphasis on improving Indonesia's maritime security capabilities as it works to secure its vast borders against competing territorial claims, piracy,

and other transnational security threats. National Defense Appropriations Act Section 1206 authority has funded the establishment of an Integrated Maritime Surveillance System in the Strait of Malacca and the Sulawesi Sea. This funding meets key gaps in Indonesia's maritime surveillance and interdiction capabilities, and has helped generate significant reductions in the rates of maritime piracy in recent years. Indonesia reported only 15 incidents of piracy and armed robbery in 2009, down from 121 incidents in 2003. Piracy rates in the Strait of Malacca have likewise dropped dramatically since 2005, with only two attacks reported last year.

Indonesia is also committed to serving as a regional leader in peacekeeping operations, a commitment that is enshrined in the Indonesian constitution. The UN now ranks Indonesia as 18th of the 115 troop- and police-contributing countries. As of May 2010, Indonesia had 1,679 military and police deployed to UN missions in the Congo, Lebanon, Liberia, Nepal, and Sudan. Indonesia has also been a Global Peacekeeping Operations Initiative (GPOI) partner since 2006, and has hosted thirteen GPOI peacekeeping training events. Indonesia's valuable and respected contributions to UN peacekeeping operations are an important reflection of its adherence to, and support of, international norms and standards of military behavior.

DoD has also been working closely with the TNI to help it develop greater capabilities in the areas of humanitarian assistance and disaster relief. Indonesia suffers from numerous natural disasters every year, causing significant loss of life, property, and human suffering. The tremendous loss of life Indonesia suffered in the 2004 tsunami is a particularly stark reminder of the significant security threat that natural disasters pose in Southeast Asia. Improving the TNI's ability to respond to these disasters will not only help Indonesia to mitigate loss of life and devastation within its own borders, but also to play a larger role in disaster response across the region. Indonesia is investing significant capital and effort to increase its capabilities in this area. A key element of our cooperation is focused on improving the TNI's mobility and lift capabilities, with a focus on supporting, sustaining, and improving the Indonesian Air Force's C-130 capacity. To do so, we have established various programs that focus on C-130 aircraft refurbishment, spare parts assistance, maintenance and logistics support, and training.

Another important means of U.S. assistance to Indonesia's military is through International Military Education and Training (IMET) and Foreign Military Financing (FMF) funding. This funding allows the United States to work together with Indonesia on its efforts to establish a more responsible

and professional military. For example, recent funding has provided assistance to the newly established Indonesian Defense University.

Indonesia's civilian and military leadership are both deeply committed to the goal of professionalization and continue to take significant steps to ensure that the military is a force that understands the role of a responsible military in a democratic system. The TNI has made great strides in institutionalizing human rights training for its forces. Recent steps in this effort include the inclusion of human rights seminars in military schooling, working with respected international institutions, including the Norwegian Center for Human Rights, and instituting refresher training prior to deployments. Respect for human rights is now a core feature of TNI doctrine, and all deployed soldiers are required to carry an ICRC booklet explaining the proper treatment of non-combatants.

The Department takes seriously any allegations of human rights abuses committed by Indonesian security forces, no matter where they occur. When we hear of specific abuse allegations, the United States government follows up on them through the appropriate State Department channels. There have been such allegations in Papua and West Papua. However, we have seen no evidence that such incidents are part of a deliberate or systematic campaign by the TNI or Government of Indonesia. In Indonesia, as in all countries, isolated incidents of abuse can, and do, occur despite the best efforts of any military institution. When they do, we urge investigation and accountability, and increasingly Indonesian authorities investigate these allegations on their own accord.

It is also important to note that the Government of Indonesia and the TNI continue to confront ongoing challenges from domestic militants. Several small groups within Indonesia regularly seek to use violence and the media spotlight to gain international attention and support for their desire for an independent country in Papua and West Papua. These groups have caused an upswing in violence over the last year and a half. Notable incidents include seizing the Kapeso airstrip for a month; attacking police stations, outposts, and convoys (killing several police officers); burning government buildings; and attacking and killing civilians (including a string of attacks along the PT Freeport McMoran mine complex that resulted in several deaths). In the same way that we deplore abuse perpetuated by military institutions, we also deplore violence caused by these groups against civilians and government security forces.

While Indonesia's security forces do not have a perfect record, their reforms are moving in the right direction. Earlier this year, the Indonesian Defense Minister issued a public statement addressing the TNI's commitment to protecting human rights, explaining that reforms are in place to prevent future abuses, and expressing the TNI's commitment to holding human rights violators accountable. This statement, and others at lower levels of the Ministry of Defense, is part of an ongoing dialogue between Indonesia and the UNITED STATES Department of Defense on reform and professionalization of the TNI. In addition, the TNI has promised, going forward, to remove from military service any personnel convicted of human rights abuses and to suspend any personnel credibly accused of such crimes.

DoD believes that it is important to build on our successful engagement with the TNI by initiating measured security cooperation with Indonesian Army Special Forces. Secretary Gates was recently in Jakarta and said, "my view is that, particularly if people are making an effort to make progress, that recognizing that effort and working with them further will produce greater gains in human rights for people than simply standing back and shouting at people." Continued engagement and training not only provide the United States access to the TNI's future leaders, but also expose the TNI to U.S. soldiers and officers who uphold respect for human rights and conduct themselves in a professional manner.

Finally, it is important to note that all of these efforts take place within the context of a burgeoning UNITED STATES-Indonesia partnership that stretches across our governments. As Indonesia continues to evolve, strengthen its democracy, and institutionalize its reforms, the United States has increasingly engaged with Indonesia as a partner. Last week, Secretary Clinton and Foreign Minister Natalegawa chaired the inaugural Joint Commission meeting of the Comprehensive Partnership, during which they discussed increased cooperation in six particular areas: democracy and civil society, education, environment, security, energy, and trade and investment.

The United States government's commitment to a robust and wide-ranging partnership with Indonesia is a reflection of our belief that Indonesia is a critical strategic partner and a valuable and responsible leader in the Asia-Pacific region. It is not only our shared interest in Asia's peace and stability that undergirds our partnership, but also our shared commitment to democratic norms and values. The TNI's efforts to institutionalize greater respect for human rights within the Indonesia military are an important part of this commitment. The Government of Indonesia and the TNI have made

substantial progress in this area, and they have given us firm commitments to continue improvements. For our part, the Department of Defense has made clear that respect for human rights is an essential component of professional military behavior.

Secretary Gates clearly reaffirmed our stance on this issue during his visit to Jakarta this July: “Our commitment to human rights and human liberty is as old as our republic. We will never be silent about these issues.”

For this reason, we will continue to treat any allegations of abuse with great seriousness. However, as noted, DoD sees no systematic pattern of abuses by the TNI in Papua and West Papua. Together with our State Department colleagues, we will continue to closely monitor any allegations of human rights abuses and work with the TNI and Indonesian Ministry of Defense towards appropriate investigation and accountability.

Mr. FALÉOMAVAEGA. Thank you very. Appreciate very much your statements. And we do have some questions. Secretary Yun, as you know, I met with President Megawati when she visited here in Washington, DC, and I was very hopeful and very happy to learn that the Indonesian Parliament had passed a law to provide special autonomy for the West Papuans. In fact, she even invited me to come to West Papua and to dialogue and to meet with the government leaders there. Well, this was 2001. And as I said in my statement earlier, this is one of the concerns that I have because I felt that special autonomy was the consensus among the Papuan leaders, and that just a sense of some respectability as to their basic fundamental rights allowed an opportunity for them to build their infrastructure, better roads, hospitals, health care centers, whatever it is that is needed.

And also, to establish a similar relationship as I recall in my meeting with President SBY, he was very excited and very happy with the fact that they were successful after 30 years of negotiations with the Aceh situation and with the implementation of a special autonomy law that was made for the Aceh people. And he felt that perhaps a similar thing could also be done for the people of West Papua. And I was very excited about that.

Well, Mr. Secretary, this is 9 years later now. And as you said, changes have been made in the special autonomy law. So I am just curious. What do you see as the basis—is this the current policy of the Indonesian Government to implement the 2001 special autonomy law? Are we in for another discussion or dialogue in terms of what is to be done with the people of Papua?

Mr. YUN. Thank you, Mr. Chairman. Very much agree with you. If the 2001 special autonomy law can be fully implemented, we do believe that a lot of frustration currently felt by Papuans will decrease. It has been slow in coming and I think even this year, there have been a couple of incidents, Puncak Jaya is one as well as others that we believe is caused by Papuans feeling that special provisions such as cultural protection and special positions. For example, there was strong demand that at bupati level, which is the county chief level, that they should be Papuans rather than migrants. I think those grievances are very much felt, and if the Indonesian Government in Jakarta, the central government, can speed up the implementation of special autonomy law, a lot of those grievances will, I wouldn't say disappear, but will be somewhat lessened.

Mr. FALÉOMAVAEGA. Is there a special agency or official, specifically assigned by the President to address the issues of West Papua and the current relationship? This is where I am a little fuzzy. I understand that some minister of social welfare or something was being assigned that task, but I am not sure if that is true.

Mr. YUN. As you know, the discussions take place between Papuan-elected officials. The two Governors in Papua are elected and they are Papuans, as well as deputy governors. And it is my understanding all of the mayors and the county chiefs are also Papuans. As well, they also have a separate body which represents the cultural protection as well as a consultative side of Papuan society, and they are represented in Jakarta and I understand that they travel to Jakarta to consult with the Parliament there. And I am

not quite sure who in Indonesia is the point-person for making sure that special autonomy legislation is fully implemented. I am not sure there is one honestly.

Mr. FALEOMAVAEGA. Can you provide for the record who this is? Because I am at a loss myself in terms of understanding what it is.

Mr. YUN. Yes, sir.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM MR. JOSEPH Y. YUN TO QUESTION ASKED
DURING THE HEARING BY THE HONORABLE ENI F.H. FALEOMAVAEGA

The Ministry of Home Affairs is formally tasked with overseeing Special Autonomy for Papua. The Office of the President takes an active interest in Papua, as do a number of other ministries within the Indonesian government.

Mr. FALEOMAVAEGA. I know you mentioned in your statement that it always has been the policy of our Government to respect the territorial integrity of another country, no different than Indonesia not telling the United States what to do in dealing with Native Americans, for example. I am fully aware and understand that situation. And it has been a little difficult too in that sense. So we use that as the basis for saying that we can't really do any more other than engage Indonesia if it feels like talking to us or helping with the needs of the Papuans. Otherwise, is there really anything more that that we can do?

Mr. YUN. Last week, for example, we had, as you know, the launch of a Joint Commission with Indonesia. And under this Joint Commission, which was launched by Indonesian Foreign Minister Natalegawa and Secretary Clinton, we did create six working groups. And one of the working groups dealt with democracy and civil society. And during those working group meetings, we did have a discussion and those discussions centered around how maybe we can get more access in Papua, especially the international NGOs such as the International Committee of the Red Cross.

And so I think our immediate task is really getting through a dialogue, a serious dialogue with the Indonesian side so that we make some progress and we discuss especially the allegations of human rights that are out there. And I am sure the next panel will discuss them. And because honestly, the U.S. Government cannot send an investigation team, of course, whenever there is an allegation, but we do want to discuss them and see whether they are serious and consult with the international community as well as civil society.

Mr. FALEOMAVAEGA. I am very much aware of the fact that sometimes issues where countries express their sovereignty, that matters are considered internal matters, and is none of the business of other countries trying to tell Indonesia what to do, how they want to do things. And I just want to make the record clear that this is not the intent of this hearing, nor is it the intent of this hearing just to talk about human rights violations. As I said, years ago, and I still firmly believe, if we are trying to work together with the government to implement the provisions of the special autonomy law, because that was the consensus that I got years ago

from the Papuan community and their leaders, that they are willing to do this.

But somehow, as you had stated, there just has not been a plan put forward by Jakarta saying how exactly they will implement the provisions of the special autonomy law. And I think this is where we seem to have an impasse either because of the difficulties or because they just don't feel like it.

I kind of like to hope in good faith and wish that the Indonesian Government is really sincere. Let me say this for the record, I sincerely believe that President SBY really wants to reach out and help the people of Papua. I also fully understand that he faces constraint. A lot of pressure is coming from other sectors of the Indonesian community that puts him in a very difficult situation, as you mentioned. So I am very much aware of that. But I just want to note that, and wanted to know in our administration, as we are advocating more openness by the Indonesian Government, to see what is being done to give assistance to the Papuan people. I have got a couple more questions, but I want to give this opportunity to my colleague from California for her line of questions.

Ms. WATSON. I just want to follow up, Mr. Chairman.

In your observation of what is going on, and we recognize the sovereignty, as has been mentioned, and what our role is, but do you feel that the Papuans are under threat in their own land? Does it seem like they are becoming a minority, or are they already a minority in their own land? Your observations.

Mr. YUN. My observation is that they are not yet a minority. I think the numbers show that it is at about 60/40 at the moment; 60 Papuans, as opposed to 40 migrants. However, clearly, if this trend continues, they will be a minority and probably in quite a short amount of time.

I think that is one of the greatest frustrations among Papuans, is the demographic shifts. The special autonomy law does create some protection for Papuans, a lot of protection for Papuans, and this is why it is important to implement those laws.

Ms. WATSON. Could the motivation be the wealth of natural resources there in Indonesia?

Mr. YUN. I don't think it is necessarily. In my view, it is not only about dividing the economic pie. I think there is a lot more than that. There are cultural reasons, and, as the chairman indicated, deep-rooted historical reasons.

In fact, I think, in terms of economic resources transferred, as I mentioned in my testimony, it has been substantial. But it is also about the capacity to use those economic resources, and I think it is also about the political position each group will hold.

So I think the growing frustration—I mean, we do have a trend, I believe, where in fact, as Bob mentioned here, there has been less and less human rights violation incidents. However, that hasn't been accompanied by Papuans themselves feeling less frustrated. So we do have those two trends, which are somewhat contradictory. And I think it has to do with migration, with the economy in comparison with the rest of Indonesia falling behind.

So, it is a complicated story. And frustration is also felt in Jakarta by the Indonesians, and I am sure Chairman Faleomavaega has heard that, which is they have given them at least what they

thought was a lot of leeway. They are governed by Papuans. The two Governors—they have considerable power—are Papuans. The deputy governors are Papuans. The county chiefs and mayors are Papuans. Yet it doesn't seem to have resolved the basic underlying grievance.

Ms. WATSON. I was wondering how involved will the U.N. be if the conditions continue as they are now?

Mr. Scher, maybe you want to comment?

Mr. SCHER. You can go ahead.

Mr. YUN. Thank you, Bob.

It is very much an internal issue, and I am sure we all appreciate that. It is an internal issue. It is a domestic political issue. But having said that, of course, we do, everyone, the international community has an interest in good governance, in meeting the commitment of Indonesia toward the international community.

And I would say that we have stressed this over and over again: There has been a democratic transition in Indonesia, President SBY has been reelected by an enormous majority, and there is a strong civil society in Indonesia, as well as a healthy Parliament. So it is really for them to work this through.

And I think, obviously, you know, the U.N. can help as well as international organizations. I am sure you will see in the next panel, you know, for example, we do have Human Rights Watch, who have personnel out there in Jakarta, especially, and they will give us a good report on what is going on.

So in this day where communication is quick, we are going to learn and we are going to know what is going on. So however basically it is a domestic Indonesian issue, and I do believe, given the democratic transition, we will make improvements.

Ms. WATSON. I yield back, Mr. Chairman.

Mr. FALCOMA. Thank you.

Secretary Yun, you mentioned that one cause of the delays in giving provincial governments the opportunity to develop was the fact that for a 9-year period, Jakarta gave some 3 billion U.S. dollars as part of the infrastructure development, which is high on a per capita basis compared to other provinces. And so other provinces within Indonesia express disappointment over why West Papua was given all that money. Well, it also happens to be that the largest corporate taxpayer to Jakarta is the American Freeport Gold Mining Operation, which operates right now in West Papua. So, by all means, all the mineral resources coming from West Papua, I think it right that they should be getting some of that money back since these are their resources.

But I do want to give credit where credit is due, there is no question. The last time I met President Suharto, he was very ill, and on the eve of finally giving up his presidency. Elections were then conducted, and I do believe in giving credit where credit is due. Indonesia has come a long way.

The two national elections of President SBY have demonstrated that a major Muslim country is committed to democracy and the principle of the ballot box in determining leadership. I am very much aware of that.

But at the same time, I do want to say that maybe we are not doing enough to give assistance to Indonesia, or is it because of the

problems internally within Indonesia that has made the process very slow in implementing the autonomy act? My point is, if it was possible to implement the special autonomy for Aceh, why couldn't they do the same for West Papua? Is it the language? Culture? There are no ethnic ties, nationality, culturally, between the Javanese people of Indonesia with those of Papua. I think that is a bare fact that we have to admit.

But I am curious and wanted to know from both of you, what is the administration's position in terms of dealing with West Papua? We can all talk about, Oh, we sent a cablegram. We have talked to the people there, our counterparts through our U.S. Embassy, and all of that.

Mr. Secretary, it has been 9 years and I am still waiting. Some say, "Well, why are you in a rush, Eni?" You know, it has been going on now for 60 years, and there is still not much opening in terms of giving the people of West Papua their basic fundamental rights. I think that is basically in my discussions with the leaders of Papua; just treat us with decency. Give us the right to pursue—and at the same time be part of the overall bigger picture in terms of their involvement in being made part of the national government in Jakarta.

So that is basically what we are trying to pursue here. I wanted to ask Secretary Scher a little question here. Where do our strategic and military interests come into play in dealing with Indonesia?

Mr. SCHER. We see the strategic and military interest as part of the broader picture of interests of Indonesia. It is difficult I think to divide all of them. I obviously spoke about some of the broader interests that we have in strategic interests.

But as a very important part, we play a supporting role in the Department of Defense for the overall foreign policy, and so we use the tools we have at our disposal to help build further U.S. policy to serve our interests and help build partner capacity in countries that share common interests.

So I am not one to be able to say how we rank different pieces, but it is obviously a very important piece, and it is one that we think we bring valuable tools to achieve our overall U.S. objectives and goals.

Mr. FALEOMAVAEGA. Secretary Yun, you indicated that journalists do travel freely to Papua and West Papua. I want to share my own experience. I was supposed to go there for 3 days, and I ended up with 2 hours and 10 minutes.

Mr. YUN. I am sorry, sir, I think that has to be corrected. I said Indonesians can travel freely to Papua, Indonesian journalists and others. But foreign journalists, diplomats and overseas civil society, NGOs, they have to get permission before they can travel to Papua.

Mr. FALEOMAVAEGA. Well, I think the question now before us is, where do we go from here? It is my understanding that there have been some rumblings in some of the sectors of the Papuan community that special autonomy has failed and they want something else. Are you aware of that?

Mr. YUN. Yes, sir.

Mr. FALEOMAVAEGA. Do you believe that our policies should include continuing to work with Indonesia in implementing special autonomy?

Mr. YUN. Yes, I believe that. I think we need to continue to work with the Indonesian Government and work with the international community. I think those two are crucial. The Indonesian Government, I believe, as it has happened over the past decade, as civil society and as democracy takes even firmer root, I do think there will be a tendency, an increasing tendency, to look at Papua as what it is, which is part of Indonesia, and work toward that, taking into account Papuan culture, history.

A lot of issues that have been disappointing have to do with lack of implementation of the special autonomy law rather than the special autonomy law itself.

Mr. FALEOMAVAEGA. In our own experience in dealing with colonialism, we fought against the most powerful country in the world at that time during the Revolution, and we defeated the mighty British Empire.

As a matter of principle, as we all know, Indonesia was a colony of the Dutch and so was West Papua. And when Indonesia became independent, West Papua was made part of Indonesia, when, in fact, culturally, historically, in every way, there is just no connection whatsoever between the Papuan people and the Indonesian people.

So how do we balance it? How do we say that it is okay that Papua, a former colony, is taken over by another former colony? Justifies the fact that a better consideration be given to the Papuan people than just simply say, You are part of Indonesia, no ifs, ands or buts, and that is it.

Mr. YUN. Mr. Chairman, I don't know whether that was a question. I mean, I would fully agree with you; history is full of oddities. And for us now to go back and correct that is not a possible task. We are what we have today, and we have to work with what we have today, and this is the reality.

I do sympathize that there is tremendous ethnic-cultural division in these areas, let alone in Papua, within Indonesia itself.

So we do have to recognize the integrity of Indonesia, its territorial integrity, but that does not mean that we should ignore history. But, at the same time, we cannot correct history.

Mr. FALEOMAVAEGA. Well, with all due respect, Mr. Secretary, South Africa comes to my mind, that apartheid was practiced in the worst way. Black people who held the majority in population of South Africa were treated almost like animals, as far as I am concerned. And year after year after year, even pleading with the European countries and even with our own Government, as a matter of principle, is it right that apartheid was practiced the way it was done in South Africa, where thousands and thousands of people were killed? There is no question there was bloodshed.

So you are saying it is okay to disregard the past, just as it was in the struggles of Mr. Nelson Mandela and other Black leaders dealing with the South African apartheid issue, where there was a lot of resistance.

As a matter of principle, is it proper for Black people, who were the vast majority in the country, to be treated as less than human,

with all the civil rights and everything not even part of it? But history then kind of put itself forward in saying it is not right.

What I am suggesting here, and I am not trying to plead that Indonesia work now toward granting independence for Papua. What I am asking is, are they giving proper treatment? Are they respecting the right of the Papuan people to be part of the national government and all of that?

Do you feel that change will be forthcoming, or are we just going to continue another 10 years, as I have been waiting for the last 9 years for special autonomy and nothing happened?

Mr. YUN. Mr. Chairman, I do agree with you that tremendous improvements can be made in the situation in Papua, but I don't think I would agree that the situation in Papua in any way resembles the situation in South Africa during the height of apartheid. I don't think I would agree to that.

Am I optimistic that the situation will be improving or continue to improve? I think that depends on the route of democracy and whether freely elected governments and all the institutions that go with such governments, such as law and order and accountability and parliamentary democracy and also accountability of regional governments. If they can go together, then I am very optimistic that the situation in Papua will improve.

Mr. FALEOMAVAEGA. Secretary Scher?

Mr. SCHER. Certainly, I defer to Deputy Assistant Yun.

I would just say I think it is a constant—it is a struggle for much of the Government of Indonesia deal with the wide range of heterogeneous populations that exist within the incredibly large archipelago, and certainly, they are doing it better in some places than others. And clearly West Papua and Papua I think is a place where there is need for improvement in how they are addressing this.

But I do think that it is worthwhile to note that the success of this experiment, of being able to include a wide variety of different ethnic, linguistic groups into a country, is one that we have done very well with here in the United States, and I think that we should realize and hope and support any country that is trying to do the same thing under the democratic system that we see within Indonesia.

Mr. FALEOMAVAEGA. Well, gentleman, I deeply appreciate your statements and the dialogue. Do you have any further statements you want to add for the record?

Mr. YUN. No.

Mr. SCHER. Thank you.

Mr. FALEOMAVAEGA. Thank you very much. I appreciate your coming.

For our next panel of witnesses, we need to set up the table there, if we could have our friends that are going to be testifying here. For our panel of witnesses we have this afternoon, I want to introduce our distinguished witnesses for the record.

At my extreme left is Dr. Pieter Drooglever, who has a doctorate from Utrecht University in history. His doctoral dissertation explored the internal politics of the Dutch East Indies in the 1930s. As a staff member of the Institute of Netherlands History from 1969 until 2006, his main project was editing a 21-volume collection of source materials on Dutch-Indonesian relations from 1945–

1963. This project was completed at the time of his retirement 4 years ago.

He also wrote a series of articles and other books on related subjects. His final study, his book on the Act of Free Choice in West Papua, was published in English last year, and it is expected the Indonesian language version will be coming out this year. He served on the board of several key institutions and committees promoting the study of Indonesia and the Netherlands. He also is a professor of history at Radboud University in Nijmegen. I hope I pronounced that correctly.

Our next witness, oh, boy, they got the sequence mixed up here. We will work on Mr. Mote's bio. It is not here.

Our next witness will be Mr. Henkie Rumbewas. He worked with the United Nations in East Timor to investigate human rights abuses during the period of Indonesian administration. He is a refugee from Biak in the Papua province who witnessed the detention and torture of his father during the 1969 Act of Free Choice. Mr. Rumbewas is an Australian citizen who travels freely with delegations from Australian Protestant churches to his home to do humanitarian and educational work in rural areas.

Mr. Nicholas Messet is here with us also. He has been the director of human resource development and general affairs for Sarmi Papua Asia Oil for 2 years now. He is deputy chairman of the Independent Group Supporting Special Autonomous Regions with the Republic of Indonesia Foundation in Jakarta and has been assistant moderator in the Papua Council Presidium for 10 years now. He is a pilot with Islands Nation Air in Port Moresby, as well as in Bougainville, Buka, Vanimo and Kimbe, Papua New Guinea. He is also a pilot with Air Vanuatu. He is a pilot with Air Niugini. He worked as a flying instructor for the Nation Aviation Space Academy. He worked with the Australian Broadcasting Commission and with the Public Works Department in Port Moresby.

On his educational background, he trained with Piedmont in Greensborough, North Carolina, and Pan Am in Miami, Florida, for wide-body aircraft, B727s and 737s. Since 1988, he trained with American Flyers in Santa Monica. He trained with Nation Air Cooperation. He has a very distinguished record as a pilot and aviator for that reason. As a member of the foundation team, he witnessed Mr. Nicholas Jouwe reinstated as a full-fledged citizen of the Republic of Indonesia by Minister for Justice and Human Rights, His Excellency Patrialis Akbar, and the Minister Coordinating for Social Services.

Mr. Messet has been a member of several delegations traveling all over the world, the United Nations, even here in the United States. Five years ago, he returned voluntarily to Indonesia after living in exile for some 36 years. As a result, he is now a full fledged citizen and a strong advocate of special autonomy status for the people of Papua. He is fluent in the Bahasa Indonesian, Dutch, English and Swedish languages. Boy, that is quite a deal there, Mr. Messet.

Octovianus Mote did his undergraduate studies in the Social and Political Science Faculty of Parahyangan Catholic University in Bandung, Indonesia. He began working as a journalist for Kompas, a leading daily newspaper of Indonesia, in 1988. From 1998–2001,

he was bureau chief of Kompas for West Papua. He led a historic team of 100 to meet with President Habibie.

Mr. Mote obtained political asylum in the United States following death threats. He is now visiting fellow at the Cornell University Southeast Asian Program and the Genocide Studies Center of Yale University.

Mr. Salmon Mauritz Yumame is a retired executive of Telkom, the Indonesian Government communications company. He is chairman of the Democratic Forum. He has been involved in a dialogue with the Governor's office and the Indonesian Department of Interior over the implementation of special autonomy.

In June and July of this year, some 20,000 people took to the streets in demonstrations against FORDEM's call to return the special autonomy law to the Indonesian Government.

Eben Kirksey is a visiting assistant professor at the CUNY Graduate Center in New York. In 1998, he was an exchange student at Cenderawasih University, where he witnessed the shooting of fellow students and a subsequent massacre in Biak. He earned his B.A. in anthropology and biology from New College of Florida. As a Marshall Scholar at the University of Oxford, he studied Indonesian state violence in the Provinces of Papua and West Papua. After earning his master's in philosophy from Oxford University, he completed his doctoral program at the University of California at Santa Cruz. It is expected that he will be publishing a book concerning the issue.

Ms. Sophie Richardson is the acting director of Human Rights Watch, Asia division, and oversees the organizations' work on China. A graduate of the University of Virginia and Oberlin College, Dr. Richardson is the author of numerous articles on domestic Chinese political reform, and on democratization and human rights in Cambodia, China, Hong Kong and the Philippines. She has testified before European Parliaments and the U.S. Senate and the House of Representatives. She has provided commentary to the BBC, CNN, Far Eastern Economic Review, Foreign Policy, and a whole host of other organizations.

Did I miss anybody? I think we pretty much covered our bases.

I would like at this time for Dr. Drooglever to give his testimony.

Again, without objection, all your statements will be made part of the record. If you have any additional materials that you want to add on to be made part of the record, yes, do so.

Also, because of the number of witnesses that we have, if you could please be concise and limit your statements to 5 minutes. So give us the meat. Don't go all over the world and go to the moon and then come back and miss the point. Give us the meat of your statements. As I said, your statements will be fully made part of the record.

Again, I want to thank all of you, especially those of you who have traveled all the way from Indonesia to come and testify before this subcommittee.

As I said earlier, I am not aware that in the history of Congress, either in the Senate or in the House, that an oversight hearing has ever been held concerning West Papua. So, consider yourselves pioneers.

As to what direction this hearing is going to take us in the future, I want to assure you, ladies and gentlemen, that my purpose in this hearing is not to point fingers and say any disparaging things to embarrass the Government of Indonesia. But it would be very helpful for my colleagues and for the American public to know more about your people and understand that some 2.2 million people live in Papuan and West Papua, and we do take an interest.

Someone once said that here in America, there is, after all, one race, and that is the human race. I think if we understand that in terms of the principles involved here, we will, I think, elevate this issue and hopefully something good will come as a result of this hearing.

Professor Drooglever. I might also add before he begins his statement, this is a copy of the book that Professor Drooglever gave me, almost 700 pages. I spent all last night reading the book, Professor Drooglever. To my knowledge, this is probably the most comprehensive work ever done on the history of the situation in Papua and on Indonesian, U.S. and U.N. involvement.

I am making a plug here for him. Buy the book.

What is interesting about this is that he was assigned by the Dutch Parliament, if I remember correctly, to do a study about West Papua under condition that he be given absolute access and freedom to do the research in the archives and documents and everything, for which it was promised and it was given, the archives here in the United States, Great Britain, France, Netherlands but not, unfortunately, Indonesia. But hopefully maybe one day you will be given access to do a study there, too.

So I just want to say I was very, very impressed, Professor Drooglever, with this scholarly work that you have done. Five years is a long time. I don't think I could ever write a book taking that long, taking 5 years to meticulously document and put everything in mind in terms of explaining to the public, scholars and to everybody, for that matter, what happened.

So, Pieter, please, proceed.

Mr. DROOGLEVER. Thank you, Mr. Chairman. You have given an excellent example, and I hope many will follow.

Well, the book then, "The Act of Free Choice, Decolonization and the Right to Self-Determination in Papua," that is the subject. That book gives—

Mr. FALEOMAVAEGA. Can you put the microphone closer to you? I know you have a very strong accent.

Mr. DROOGLEVER. Thank you. Yes, I will do my best.

Mr. FALEOMAVAEGA. You know, we Americans, we have a very difficult time in speaking. I am still learning how to speak English, by the way, so forgive me for this.

I know you tend to speak very fast, but please help me. Go at about 50 miles an hour, and I think I can grasp it. Thank you.

**STATEMENT OF PIETER DROOGLEVER, PH.D., PROFESSOR
EMERITUS, INSTITUTE OF NETHERLANDS HISTORY**

Mr. DROOGLEVER. The book gives an overall picture of the history of West Papua, a territory that was only brought under effective rule of the Netherlands in the 20th century. The focus of the book is on the post-war history of the territory.

It explores Papua's exclusion from the transfer of sovereignty to Indonesia in 1949, the subsequent conflict with Indonesia, and origins of the New York Agreement signed in 1962.

The parties to this agreement decided to hand over the territory to Indonesia through the intermediary of a temporary U.N. administration. That New York Agreement stipulated that after a period of Indonesian rule, there would be a plebiscite for the Papuans in which they would be able to choose between permanent integration within the Indonesian state or not. That plebiscite, called the Act of Free Choice, had to be organized by Indonesia under the terms put down in the New York Agreement and carried out under supervision of the United Nations.

It took place in 1969, and it resulted in a unanimous vote in favor of permanent inclusion in Indonesia. None of the United Nations observers present in the field nor observers from abroad believed the results. The evidence brought forward in my book allows for no other conclusion than that the outcome was in no way representative of the real feelings of the population. Under the eyes of the United Nations, the Act of Free Choice perpetuated an era of repression and deprivation for the Papuans that essentially continues until the present day.

In this story, a few points are relevant for the hearing today. One, the final period of Dutch administration between 1950 and 1962 was a belated effort in preparing the Papuans for self-determination. It led to the creation of a small but rapidly expanding young Papuan elite who entered the administration and educational system in increasing numbers.

They developed a communal feeling and a nationalism of their own. Political life sprang up, and a national committee decided for a flag and an anthem for the Papuans. Upon instigation of the Dutch, plans were developed for self-determination in or around 1970. For the Papuan elite, the entrance of the Indonesians shortly afterwards, after the conclusion of the New York Agreement, was a certain shock which made an end to their dreams of future independence. The Papuans felt like they had been betrayed by the world.

Two: The New York Agreement was brought about under pressure from the United States. At the end of the Eisenhower administration, The State Department drafted a document that later was to form the basis of the New York Agreement.

U.S. officials first proposed the idea of a new and interim administration before transfer to Indonesia. Following pressure from the Dutch, some paragraphs of self-determination were added in, but these were weakly worded as a result of Indonesian counter pressure. So, the foundations for the enactment Act of Free Choice were already laid down in agreement itself.

In 1962, when the New York Agreement was formulated, the Indonesians were in a position to put strong pressure upon the Dutch. The Republic of Indonesia had assembled in the space of a few years an impressive invading force. They had advanced weaponry, ships and airplanes that had been supplied both by the Americans and the Russians.

Earlier U.S. promises of military support for the Dutch in case of an Indonesian attack were played down gradually during the ne-

gotiations. The Dutch were confronted with a war that would have to be fought without American support.

Moreover, in the Netherlands itself, a longing for better relations with Indonesia, its former and dearest colony, was growing stronger. This mixture of circumstances and arguments and sentiments forced the Dutch Government to give in.

Then the fourth point. Under these conditions, the role of the military in the Indonesian victory of 1962 was undeniable and conspicuous. Indonesian soldiers were well aware of this. When given access to New Guinea, as it was called that still, in October 1962, they took possession of the territory in a spirit of victorious occupational army. The Dutch slipped out under U.N. protection, and for them, that was an advantage indeed. But the Papuans had to cope with the soldiers and accompanying officials.

From the beginning, the Indonesian army was the prime force in the administration of the territory. It was carried out in a very rough-handed way, with hardly any appreciation for the special character of the Papuan worlds.

For most Indonesians, West Papua was a place of banishment. Yet, in the beginning at least, they enjoyed taking over a comfortable colonial administration. The typewriters, the hospital equipment and all the elements of the basic infrastructure were taken away. Jobs of the Papuan elite were taken over, the educational system graded down, and the civil society of West Papua slipped down the road toward greater misery.

After General Suharto became President of Indonesia, the new minister of foreign affairs, Adam Malik, visited the territory. Malik was shocked by the desolation he found there. The Javanese civil servants had robbed the country blind. Embitterment reigned everywhere, in his own words.

Malik promised improvement, but in effect, his government brought increasing military oppression. The first operations of the Papuan resistance had already started in 1965, and were countered by Indonesian soldiers with maximum violence. The number of victims is hard to determine, in large part due to lack of access to the territory by foreign observers.

Altogether, the casualties ran into the thousands already by 1969. By most estimations, the violence increased until April 1985, and then slowed down afterwards; yet it is still a harshly governed territory, but this is outside the scope of my book. That is for my neighbors.

[The prepared statement of Mr. Drooglever follows:]

Testimony of Pieter Joost Drooglever
 Professor Emeritus
 Institute of Netherlands History
 The Hague

before the
 U.S. House Committee on Foreign Affairs
 Subcommittee on Asia, the Pacific and the Global Environment

September 22, 2010

**“Crimes Against Humanity: When Will Indonesia’s Military Be Held
 Accountable for Deliberate and Systematic Abuses in West Papua?”**

In November 2000 the Minister of Foreign Affairs commissioned the Institute of Netherlands History in The Hague to write a historical study about the transfer of West Papua from the Netherlands to Indonesia. It was felt that such a study was needed to inform a wider public on the subject and to prevent eventual misunderstandings in the discussions that were going on at the time. The job was given to me. Five years later the Dutch edition of the book was ready. An English translation was published in 2009 by Oneworld Publishers in Oxford under the title *An Act of Free Choice. Decolonization and the Right to Self-Determination in West Papua*. I have submitted a copy of this book to the Chairman of this honourable Committee for the record.

It must be noted here, that the Institute of Netherlands History accepted the commission on the condition that the author would have absolute freedom to write as he deemed best. Another condition was that he would have access to all information, available to the Netherlands Government and would have its full support for getting access to archives and other information, available in other countries as well. Such support was given indeed by the Governments and Archivists of the United States, Australia, Belgium and the United Kingdom. The Government of Indonesia, however, refused formal requests from the author to visit West Papua to interview Indonesian citizens of his choice. The author was also denied access to Indonesian government archives.

The book gives an overall picture of the history of west New Guinea—a territory that was only brought under effective rule of the Netherlands in the 20th century. The focus of the book is thus on the post war history of the territory. It explores West Papua’s exclusion from the transfer of sovereignty to Indonesia in 1949, the subsequent conflict with Indonesia, and the origins of the New York Agreement which was signed in 1962. The parties to this agreement decided to hand over the territory to Indonesia through the intermediary of a temporary United Nations administration. The New York Agreement stipulated that after a period of Indonesian rule there would be a plebiscite for the Papuans, in which they would be able to choose between permanent integration within the Indonesian state or not. That plebiscite, called the Act of Free Choice, had to be organized by Indonesia under the terms laid down in the New York Agreement, and carried out under the supervision of the United Nations. The Act of Free Choice took place in 1969, and it resulted in a unanimous vote in favour of permanent inclusion in Indonesia. None of the United Nations observers present in the field, nor observers from abroad, believed the result. The evidence allows for no other conclusion than that the outcome was in no way representative of the real feelings of the population. The selected Papuan voters - numbering just over one thousand people out of a population of nearly one million - opted for Indonesia under strong pressure from soldiers and

officials. Under the eyes of the United Nations the Act of Free Choice perpetuated an era of repression and deprivation for the Papuans that essentially continues until the present day.

In this story, a few points are relevant for the Hearing today.

1. The final period of Dutch administration between 1950 and 1962 was a somewhat belated effort in preparing the Papuans for self-determination. It led to the creation of a small, but rapidly expanding, young Papuan elite who entered the administration and educational system in increasing numbers. By 1960 over 4000 jobs in the lower and lower middle ranks of the Administration were occupied by Papuans. They developed a communal feeling and a nationalism of their own. Political life sprang up, and a National Committee decided for a flag and an anthem for the Papuans. Upon instigation of the Dutch, plans were developed for self determination in or around 1970. For the Papuan elite the entrance of the Indonesians shortly afterwards was a sudden shock, which made an end to their dreams of future independence. The Papuans felt like they had been betrayed by the world.

2. The New York Agreement was brought about under strong pressure from the United States. At the end of the Eisenhower Administration the State Department drafted a document that later formed the basis of the New York Agreement. U.S. officials first proposed the idea of a UN interim administration. Following insistence from the Kennedy White House in early 1962, serious negotiations were started up between the Indonesians and the Dutch. When these discussions reached an impasse, the old State Department proposals were suddenly put on the table by a U.S. diplomat named Ellsworth Bunker, who was operating as a United Nations mediator in close cooperation with the State Department and the White House. Following pressure from the Dutch some paragraphs on self-determination were added in, but they were weakly worded as a result of Indonesian pressure. There were certainly no clear plans for a plebiscite on the basis of universal suffrage and individual vote – which would have been hardly practicable in the isolated but densely populated highland areas. Instead the documents stipulated that an Indonesian-style Musjawarah, or “traditional consultation”, would be an essential part of the Act of Free Choice. This “consultation” allowed for manipulation from above. Thus, the foundations for the inadequate Act of Free Choice were already laid down in the agreement itself.

3. In 1962, when the New York Agreement was formulated, the Indonesians were in a position to put strong pressure upon the Dutch. The Republic of Indonesia had assembled, in the space of a few years, an impressive invading force. They had advanced weaponry, ships, and airplanes that had been supplied by both the Americans and the Russians. Earlier U.S. promises of military support for the Dutch, in case of an Indonesian attack, were played down gradually during the negotiations. The Dutch were thus confronted with a war that would have to be fought out without American support. Moreover, in the Netherlands itself a longing for better relations with Indonesia, its former and dearest colony, was growing stronger. This mixture of circumstances, arguments and sentiments forced the Dutch government to give in.

4. Under these conditions, the role of the military in the Indonesian victory of 1962 was undeniable and conspicuous. Indonesian soldiers were well aware of this. When given access to New Guinea in October 1962, they took possession of the territory in a spirit of a victorious occupational army. The Dutch slipped out under United Nations protection – and for them that was an advantage indeed. But the Papuans had to cope with the soldiers and the other Indonesian officials. From the beginning, the Indonesian army was the prime force in the administration of the territory. This administration was carried out in a very rough handed

way, with hardly any appreciation for the special character of Papuan worlds. For most Indonesians, West Papua was a place of banishment. Yet, in the beginning at least, they enjoyed taking over a comfortable colonial administration. The typewriters, the hospital equipment, and other elements of the basic infrastructure were taken away. Jobs of the Papuan elite were taken over, the educational system graded down, and the civil society of West Papua slipped down the road towards greater misery. After General Suharto became President of Indonesia, the new minister of Foreign Affairs, Adam Malik, visited the territory. Malik was shocked by the desolation he found there. The Javanese civil servants had robbed the country blind. Embitterment reigned everywhere, in the words of this Indonesian minister upon his return to Jakarta. Malik promised improvement, but in effect his government brought increasing military oppression. The first operations of the Papuan resistance had already started in 1965, and were countered by Indonesian soldiers with extreme violence. The number of victims is hard to determine, in large part due to lack of access to the territory by foreign observers. All together the casualties ran into thousands already by 1969. By most estimations the violence increased until 1985 and then slowed down afterwards. Yet it is still a harshly governed territory, but this is outside the scope of my book.

Mr. FALCOMAVAEGA. Thank you, professor.
Mr. Mote, for your testimony.

STATEMENT OF MR. OCTOVIANUS MOTE, FOUNDER, WEST PAPUA ACTION NETWORK, PRESIDENT, PAPUA RESOURCE CENTER

Mr. MOTE. Thank you, Mr. Chairman, for this historical testimony for us. On behalf of my nation, I would like to say thank you.

Let me start by making a statement that the special autonomy in West Papua has failed. This was the conclusion drawn not by just a particular group that fights for independence, but the Papua Customary Council, and then the Papua Presidium Council. The Governor of West Papua also assigned a local university to evaluate the autonomy. The conclusions are the same as the aspirations of these people.

Recently, the same university organized a seminar in the University of Indonesia and also tried to explain that this special autonomy has failed and tried to get support from other universities in Indonesia to raise that concern.

As a background, Congressman, when this autonomy was raised I was in Papua as the bureau chief of Kompas Daily, the biggest newspaper.

The dictatorship of President Suharto, who ruled Indonesia for 32 years, came to an end in 1998 amidst a widely popular reform movement that swept this island nation. The era of comparative freedom that came with the end of Suharto's rule opened new political opportunities for the people of West Papua, as well as Timor and Aceh.

Nationalist movements developed grassroots support in each of these territories. Public demonstrations in Papua, which featured the flying of the Morning Star flag, were staged throughout the territory in 1998.

A delegation of 100 Papuan leaders met with President Habibie. I was appointed by the Government of Indonesia to facilitate that meeting. In the palace, on October 25th, 1999, people expressed their experience under Indonesian control, and then they said, "Let us go to maintain ourself."

Right after that meeting, Mr. Chairman, I was accused by the Government of Indonesia, and I was put on a travel ban to abroad. Luckily, at that moment, I was invited by the U.S. Government. I traveled to the U.S. and then I received political asylum in this country.

Mr. Chairman, there are a couple of aspects of progress that we can admit that happened under special autonomy, which is the funding, for instance, the amount of money that was just mentioned. But the problem, Mr. Chairman, is that the Governor of West Papua admitted that more than 80 percent of that funding is going for the government for salary and to build new regencies that the Government of Indonesia is extending right now.

When I was there as a journalist, Mr. Chairman, it was just nine regencies. Right now, we have 30 new regencies, and all this money is going for the new construction for the public servants that come to the regencies. This is one of the threats, Mr. Chairman, about

the Papuans, that we feel we will extinct even faster than what we were thinking of before.

Another point I would like to raise, Mr. Chairman, is about the security in West Papua. On the proposal that the West Papuans, the people that are preparing this special autonomy, they tried to put the security under the Governor's control, but it was cut out, and it stated that "no civilian authority can control the military." And right now, Mr. Chairman, the number of the troops is extending more and more.

Under Indonesian law, each and every regency is allowed to form a new district for the military. So it is just a matter of time that the military will extend more and more troops under Indonesian law. So, so far, the military are the same. There is nothing changed in the military's attitudes in West Papua.

The Papuan people right now, they reject this special autonomy, Mr. Congressman, basically not just because they don't get any education, the economic and the welfare issue, but really because they see that they are really about to extend. And they can see in almost all of the big cities in West Papua, Mr. Congressman, the population is 60 percent settlers and 40 percent are Papuans. So we still have the West Papuan population in remote areas, but in the cities, already we are a minority, Mr. Congressman.

A couple of years ago, at Yale University, where I am part of a seminar, a professor right there explained when he visited West Papua, in order to recognize the situation in West Papua, you don't have to study a long time. You just sit in the market, and you will see how the new colonization is taking place in West Papua.

Therefore, Congressman, Papuans have lost faith in the will of the Indonesian Government to resolve longstanding differences; autocratic rule by the distant official in Jakarta, security forces that continue to operate with impunity, as well as laws that limit basic political and religious freedoms.

The Papuan Traditional Council, they wants "our" Papua. It is a political organization representing 250 indigenous West Papuans that have recently reiterated the call for the dialogue between the Republic of Indonesia and the Papuan people. Such a dialogue would only be possible, according to the Papuan tradition and culture, which we have the chairman of the Papuan customary council, right there. That dialogue should be taking place with the international community as a neutral third party.

Last, just this week, Mr. President SBY stated that he rejects the special—the dialogue with the Papuans. This is what we see as Papuans as a discrimination policy, because the same President is willing to dialogue with the Acehnese, but why he reject us?

Mr. Chairman, therefore, we would like to thank you for your recent letter to President Obama encouraging him to make West Papua one of the highest priorities of the administration.

We also thank you, to the other 50 Members of the U.S. Congress who signed this letter asking the President to meet with the people of West Papua during his upcoming trip to Indonesia. We sincerely hope that the President will take your request to heart.

Thank you very much.

[The prepared statement of Mr. Mote follows:]

**Testimony of Mr. Octovianus Mote
 Founder, West Papua Action Network
 President, Papua Resource Center
 Founding Member, West Papua Advocacy Team**

**before the
 U.S. House Committee on Foreign Affairs
 Subcommittee on Asia, the Pacific and the Global Environment**

September 22, 2010

**"Crimes Against Humanity: When Will Indonesia's Military Be Held
 Accountable for Deliberate and Systematic Abuses in West Papua?"**

Introduction

Special autonomy in West Papua has failed. This was the conclusion drawn in November 2007 by several parties: the Papuan Traditional Council (Dewan Adat Papua), Association of Central Highland University Students (AMP), and the Papuan Peoples Council (PDP). In June and July 2010, some 20,000 people took to the streets of West Papua and formally returned the Special Autonomy law to the Indonesian government.

Background

The dictatorship of President Suharto, who ruled Indonesia for 32 years, came to an end in 1998 amidst a widely-popular reform movement that swept this island nation. The era of comparative freedom that came with the end of Suharto's rule opened up new political opportunities for the people of East Timor, Papua, and Aceh. Nationalist movements developed grass-roots support in each of these territories. Public demonstrations in Papua, which featured the flying of the morning star flag, were staged throughout the territory in 1998. A delegation of 100 Papuan leaders met with President B. J. Habibie in 1999 where they declared their aspirations to leave the Republic of Indonesia. Thousands flocked to Papua's capital of Jayapura in May 2000 for the Second Papuan Congress, an event where a leadership for the independence movement was formally selected. Indonesian officials decided that offering Papua a comprehensive autonomy package was the best response to popular demands for an independence referendum. At the same time Indonesian military terror campaigns, and targeted assassinations, forced the political movement for independence underground.

A Toothless Autonomy Package

The People's Consultative Assembly (MPR), the highest law-making body in Indonesia, issued the Assembly Decree No. 4/1999 that called for giving broad powers to local government officials in Papua. In drafts of the autonomy bill local Papuan officials were given authority in all aspects of governance, except with respect to foreign policy, external defense, financial matters, and the judiciary. A transfer of authority of this nature had never before been applied in the history of the Republic of Indonesia. Initially it gave provinces throughout Indonesia, hope of gaining independence from a top-heavy central bureaucracy in Jakarta. This autonomy bill was passed into law in 2001 by Indonesia's Parliamentary Assembly (DPR-RI). However, the contents of the

final bill left much to be desired. Earlier drafts of the bill contained many specific provisions that were lost in the final version.

Indonesian security forces have historically been controlled from Jakarta with no formal oversight from civilian authorities. A draft of the autonomy package placed the Chief of Police in Papua directly under the authority of the Governor. This move was in line with a national initiative to separate the police from the three branches of the armed forces: the Army, the Navy and the Air Force. At the time, policy makers were making moves to limit the role of the armed forces in domestic affairs. The final autonomy bill kept the status quo with respect to security policy. The police and military forces in West Papua continue to operate separately from the Governor, without any direct civilian oversight. Troop deployments continue to be coordinated from Jakarta.

In an attempt to end the impunity enjoyed by Indonesian security forces, a draft of the autonomy legislation contained provisions for the establishment of an independent human rights commission for Papua. Plans for an institution with the authority to investigate allegations of human rights violations and present findings to a Provincial Human Rights Court of Justice were developed. However, the final autonomy bill eliminated the key provision of independence of a regional human rights body. A branch of Indonesia's National Human Rights Commission (Komnas HAM) was opened in Papua following the implementation of the autonomy legislation, without any specific mandate or tasks. The jurisdiction of the Human Rights Court of Justice was extremely limited. The new court lacked the ability to prosecute abuses by security forces and government officials. Impunity for soldiers and their commanders is still the order of the day in Papua.

Drafts of the autonomy bill proposed a bicameral system of provincial government: an indigenous council called the Papuan People's Consultative Council (MRP) was to be established alongside the existing People's Parliamentary Representative Council (DPRP). The MRP was established, but its role was limited to cultural affairs with no decision-making power and authority whatsoever. Currently the MRP merely provides advice to the administration and the DPRP.

Economic Provisions

Article 34 of the autonomy package that was passed in 1999 stipulated that the majority of revenue generated by the extraction of natural resources in Papua would be given back to the provincial government and the people. The bill contained provisions for sustainable and environmentally sound development programs. Article 42 of the bill opens up opportunities for participation by local communities in every initiative of capital investment in their respective regions. An affirmative action program was established for indigenous Papuans who wish to pursue higher education, opportunities in government, and funds for entrepreneurs. The current Governor of Papua, Barnabas Suebu, recently announced that 100 million Rupiah (\$10,000 US) would be provided to each village in the whole province of Papua as a result of revenue from the autonomy program.

Failed Implementation of the Autonomy Law

The administration of Indonesian president President Megawati Sukarnoputri was reluctant to implement the special autonomy bill that had been passed by the national legislature in 1999. President Sukarnoputri finally signed the bill into law in 2002. One

year later the Sukarnoputri administration showed ill-will to the implementation of the autonomy law with the issuance of presidential instruction number 1/2003 which split up the territory of Papua into separate provinces. When General Susilo Bambang Yudhoyono became the President of Indonesia in 2004, many Papuans hoped that he would make a genuine effort to implement the Special Autonomy law. After Yudhoyono allocated funds for splitting Papua into separate provinces, the people lost hope that he would take autonomy in the territory seriously.

The distribution of the revenue that has flowed back from Jakarta following the implementation of the autonomy law has been mismanaged. As a result the primary beneficiaries of the autonomy funds are a group of Papuan elites who hold various positions in the government bureaucracy. Governor Suebu has established a team to fight corruption that consists of police officers, a special court of justice, and public prosecutors. This team is tasked with investigating allegations of corruption and prosecuting those who have misused public funds. The Governor has also implemented new safeguards to prevent further misuse of funds. Additionally, Governor Suebu is attempting to prevent the misappropriation of funds by the security forces.

Recent Evaluations of the Autonomy Law

In 2007 the Governor of Papua formed a team to study the implementation of the autonomy law. This evaluation team consisted of members of the Papuan People's Consultative Council (MRP), scholars at Cenderawasih University, as well as youth activists from the Association of College and University Students of the Papuan Central Highlands (AMP). Mr. John Djopari, a government official who was formerly the Indonesian ambassador to PNG, served as Chairman of the Papua Special Autonomy Evaluation Team. The team concluded that the implementation of the bill had failed. The Republic of Indonesia, concluded Mr. Djopari, has squandered the funds from the autonomy bill to form new, unnecessary, district administrative units. The bottom-line issue is that civilian officials have failed to establish meaningful and authoritative control over the unruly armed forces which continue to operate with impunity.

Proposed Solutions: The Role of the International Community

Papuans have lost faith in the will of the Indonesian government to resolve long-standing grievances: autocratic rule by distant officials in Jakarta, security forces that continue to operate with impunity, as well as laws that limit basic political and religious freedoms. The Papuan Traditional Council (Dewan Adat Papua), a grassroots political organization representing the 253 indigenous groups in West Papua, has recently reiterated a call for a dialog between the Republic of Indonesia and the Papuan people. Such a dialog would only be possible, according to the Papuan Traditional Council, if it is mediated by a neutral third party.

Mr. Chairman, therefore we would like to thank you for your recent letter to President Obama, encouraging him to "make West Papua one of the highest priorities of the Administration." We also thank the other fifty members of the U.S. Congress who signed this letter—asking the President to meet with the people of West Papua during his upcoming trip to Indonesia. We sincerely hope that the President takes your request to heart.

Thank you.

Mr. FALEOMAVAEGA. Thank you.

We are joined this afternoon by one of our distinguished colleagues and senior members of the Foreign Affairs Committee, my good friend, Congresswoman Sheila Jackson Lee from the great State of Texas. I would like to give her this opportunity for an opening statement, if she has one.

Ms. JACKSON LEE. Mr. Chairman, thank you so very much. I think it will be important for the witnesses to know that the chairman was kind enough to make this an open meeting for members of the full committee that may not be on the subcommittee. Forgive me for not being here at the start of the hearing, and I may not be able to stay.

But I wanted the chairman to know that I consider this of such importance that beyond the letter that we have written, I would like to join him in whatever his leadership chooses to pursue, i.e., an additional letter, as we begin to approach 2011, to encourage the President to meet on this very important issue regarding West Papua and the people, the indigenous people of that area.

My remarks speak to the largeness of human rights. I am sympathetic and very knowledgeable of the important role that Indonesia plays as a democratic Islamic nation, the largest Muslim Nation, the importance of that. We should not take away from that.

But I believe that human life and dignity must also stand up against or stand alongside comprehensive peace agreements or alliances where we are trying to bolster the relationship between an Islamic nation and the United States.

Frankly, I believe that the United States in its government today probably has less to apologize for as relates to the Muslim world. We have extended our hand of friendship. I believe I am a friend of the Muslim world. I don't believe we hold to discrimination, despite the diversity in our country that raises their voices sometimes. So I think we are on good ground.

But if there is anything that we have the moral high ground to stand on, including our own internal assessment of our own beliefs, is the question of human rights and the indigenous rights or the rights of people to be sovereign or at least to be respected.

I know there are separatists who become frustrated and don't believe that there is a serious commitment to recognizing the people. I am particularly concerned because of the pending visit of our President focused around the relationship between Indonesia and the United States.

So I really came to add my support to the leadership of this very fine chairman, who has brought enormously important issues on indigenous people who may not feel they have been heard.

We cannot, and I would pose a question for the record, Mr. Chairman, and I know we are not in the questioning timeframe at this point, but I think it is important that Mr. Joseph Yun, who I believe is here and is deputy assistant to the East Asian and Pacific Affairs, and I am not seeing his name, but maybe I am ignoring it.

Mr. FALEOMAVAEGA. Will the gentlelady yield? He did testify earlier this afternoon, and I will be more than glad to forward whatever list of questions you might have for him to respond to us for the record. We would be happy to do that.

Ms. JACKSON LEE. Thank you. Then I will articulate the question. I don't think the Congress should have to wait until the night before the President's visit to get a firm response as to whether or not this issue will be an agenda item as he goes to meet with the leadership in Indonesia. I.

Know this very fine chairman probably probed Mr. Yun, Secretary Yun, with that same question. I am not sure how detailed the answer may have been.

But this is so important. Indonesia is so distant that we should not lose the opportunity to have a very serious discussion that involves human rights. Frankly, I believe that as we engage with the Muslim world, as we continue to emphasize that Islam is a faith, as other faiths are, a faith of nonviolence, a faith of charity and love, we can do that and work to establish relationships with Indonesia as we ask the hard questions about what you are doing about the indigenous people who are still asking for their rights as well.

This is a difficult challenge because, Mr. Chairman, I would wonder whether or not we would be able to assess that we had the people from this region as our neighbor. When I say that, someone would say, oh, yes, there is a family down the street. Maybe there is. But it probably is not as much on the minds of Americans as it should be. It is the responsibility of the United States Congress to do it.

Let me conclude, because of the chairman's indulgence, to be able to just emphasize the issues that I have read in this memo. I am tempted and will put on the record that it is alleged that potentially this population, West Papua, has suffered great injustices and a deprivation at the hand of Indonesia, where may some have described it as genocide.

We were afraid of that word with Sudan. We ran away from that word with Sudan. We ran away because we were sensitive to wanting to create relationships and continue dialogues. I want to create relationships. I want to continue dialogue. But Mr. Chairman, I am not willing to create relationships and continue dialogue over the dead bodies or the loss of life of a population of people.

I did say this is my last comment, but I am reminded of the collaboration of so many Americans, including you, Mr. Chairman, being a leader during the tsunami, when many rushed to Indonesia and that region, Sri Lanka and other places, because we cared about the loss of human life and we wanted to be there to aid our friends.

We just simply ask now that Indonesia, as a pending friend and as a friend, join us in answering the questions about the military operations and the denial of human rights and the potential of a terrible act that may be called genocide.

And to our President, who I know holds a moral high ground on human rights, we are asking that these discussions be carried on in any visit by the President of the United States to Indonesia as we look forward to cementing our partnership and as well recognizing the rights of all people.

Mr. Chairman, thank you for allowing me to provide an opening statement. With that, I yield.

Mr. FALEOMAVAEGA. I thank the gentlelady for her most eloquent statement and deep insights in terms of the issues confronting the

people of West Papua, as well as our ongoing relationship with the leaders in the Republic of Indonesia.

There is no question that the issue poses a lot of challenges and a tremendous amount of problems affecting the lives and the welfare of the people of West Papua. And it is my sincere hope that this hearing is an indicator of the interest of Members of Congress. I want to make sure that we will continue this dialogue and want to work very closely with the leaders of Indonesia to see what we can do to give proper assistance to the needs of our Papuan brothers and sisters.

With that, I thank the gentlelady for her statement. She is welcome to ask any questions.

We just got through with two witnesses testifying, so at this time, I would like to ask Mr. Rumbewas for his statement, please.

**STATEMENT OF MR. HENKIE RUMBEWAS, INTERNATIONAL
ADVOCATE, AUSTRALIA WEST PAPUA ASSOCIATION (AWPA)**

Mr. RUMBEWAS. Well, allow me to extend my greetings and gratitude from the people of West Papua. We are indigenous people from Koya, from the people of the mountains, and Jow Suba from my people, and Achemo from the head of the birds, to you, Mr. Chairman, to Chairman Donald Payne, and to all Members of the United States Congress who have supported West Papua. With my whole heart, I traveled all the way from West Papua, although I have been living in exile in Australia at the moment. But the last 6 years, I have been teaching English, and I have been witnessing so much.

Today I would like to say this, as follows: We owe particular gratitude to the 50 Members of Congress who signed a recent letter about West Papua to the President of the United States, Mr. Barack Obama.

I will start with myself. I was born on September 27, 1956, on the island of Biak, where in the Second World War where the American base, where more than 12,000 American, Japanese were massacred. I was only 7 years old when the Indonesian military invaded West Papua in 1962. My father was a health worker at the local hospital during the Dutch administration. In the middle of night, my father was taken by the Armed Forces and sent to prison with many other West Papuans on the island of Biak. This was the first nightmare that I experienced in my life that I bring with me.

My father was sent to jail simply because he rejected the Dutch Government also. We have to an independent state of Melanesian people, and he also rejected the Indonesian military, so both the Dutch and Indonesian rule. So from 1963 up to 1970, I did not live with my father, and my mother brought us all up. So those are the emotions I brought with me. But it is funny that a year after the Free Act of "No Choice," which is 1970, then my father was released.

Other experience I had, in 1967, one of my close uncles, Permenas Awom, looking at the failure that we could not win the possibilities of maintaining our land since the Dutch left, he started an armed struggle in Manokwari. Permenas was later persuaded by Suharto's military government. The Indonesian military

took him, and he disappeared, and until today, we question whereabouts he was.

In 1969, a younger brother of my uncle Permenas Awom, which is Nataniel Awom, was very disappointed with the death of his brother Permenas, so he also started an armed struggle in Biak. He was also persuaded and surrendered peacefully, but then disappeared without any trace. The two uncles that I mentioned above are just the examples of many other West Papuans who disappeared without any trace.

Between 1964 and 1967, a cousin and a close friend of mine—you might have seen how well I danced this afternoon—because Arnold Ap, a fellow Papuan who was studying, my Sunday school teacher, he was only promoting our culture and our language. But the Indonesians saw it as a sign that we maintain our Black culture. He was assassinated, burned to death, and the body was thrown with other West Papuans along the beach in the middle of the town of Jayapura.

These are the examples I am looking at. So since the death of my cousin, and a good friend of mine, and the cousin of Arnold Ap, the Catholic Church came to Papua while I was doing my English training, teaching and talking about East Timor.

I am very glad that this afternoon, Mr. Chairman, you mentioned about Mr. Mandela in South Africa, but a clearest example is that the Democratic leader Mr. Clinton—Mr. Clinton look at the case of East Timor, and America supported the independence of East Timor. How come, how come the Government of the United States could not look at the case of West Papua from the same perpetrator, which is the Indonesian Government?

To the future of West Papuan refugees, I, myself, since 1984, I decided that I would like to make Australia a second home. I am very proud that my Australian friends from the Catholic Church took me and sponsored me to go to Australia. But whenever I return to Papua, it always hurts me. It always hurts me that we are living in poverty, although our country is very rich.

The example that I have given to you, that I lost my uncle, he disappear without any trace. But my colleague here, Mr. Messet, I myself in 1970, I witnessed that the Indonesian military shot dead or assassinated his brother, and I witnessed it myself, the brutality of the Indonesian military in our country.

What I could see since the last few years is that the Indonesian Government yesterday or a few days ago, when I arrived here at the airport, it is a very strong message I got. Thank you, Mr. Chairman, of the examples of the terminology that they use. Micronesians, Polynesians and Melanesians. When I arrived here, the immigration member asked me the meaning—when you look at the color of my skin, that I am Black, of course Australian people are White people. But the good question he asked me is, uh-huh, you come from a country which is known as Papua where we lost an American, Rockefeller. Was he eaten by cannibals? I said, he was not eaten by cannibals, but he was probably eaten by the crocodiles, because that is a swampy area that he fished in.

But I remember that our dignity is being played around, like a very famous—not Martin Luther King, but what you call in this country Malcolm X—that the negativity that the Indonesians have

toward us, the black color is always nothing but negativity. And, therefore, I like to—I am very proud of you, Mr. Chairman. I am sorry that I bring my emotion to you, but these are the feelings I carry.

I brought to you to represent the people of West Papua because I live as a citizen of Australia. I have gained everything. But at the moment we have more than 12,000 refugees in Papua New Guinea, but we were called as border crossers. But in the future I would like to see if Australians can take migrants from internal war of Sri Lanka or any other internal wars in Asia. I like to see if Australia—because I am a citizen of Australia, I would like to see the Australian Government take some of our refugees, instead of being called border crossers. And also in America, hopefully we can have the United States of America accept some of our people who live with stateless status in Papua New Guinea.

Thank you, Mr. Chairman, and this is all I like to bring to you today. Thank you.

[The prepared statement of Mr. Rumbewas follows:]

Testimony of Mr. Henkie Rumbewas
International Advocate
Australia West Papua Association (AWPA)

before the
U.S. House Committee on Foreign Affairs
Subcommittee on Asia, the Pacific and the Global Environment

September 22, 2010

**"Crimes Against Humanity: When Will Indonesia's Military Be Held
Accountable for Deliberate and Systematic Abuses in West Papua?"**

Allow me to extend the greetings and gratitude from the People of West Papua.

"Koya, "Jow Suba, and "Achemo" from the People of West Papua to you, Chairman Eni Faleomavaega, to you Chairman Donald Payne, and to all members of the US Congress who have supported West Papuans.

We owe particular gratitude to the 50 Members of Congress who signed the recent letter about West Papua to the President of the United States: Mr Barrack Obama.

I was born on September 27th, 1956 on the Island of Biak, West Papua. I was only seven years old when the Indonesian military invaded West Papua in 1962. My father was a health worker at the local hospital during the Dutch administration. In the middle of the night since October 1963, my father was taken by the Arm Forces and sent to prison with many other West Papuans on the island of Biak. This was the first nightmare I experienced—living without a father from 1963 until 1970. My father was sent to jail simply because he made public statements rejecting Indonesian military rule in West Papua. In 1970, a year after the Free Act of "No Choice," my father was released. The story of my father is only one example of many other West Papuans who were imprisoned in the past. Even today, there are still many more political prisoners in West Papua.

In 1967, my uncle Permenas Awom began leading an armed struggle against the Indonesian military rule in Manokwari. Permenas was later persuaded by the Suharto's government to surrender peacefully. But he later disappeared without any trace while in custody of the Indonesian Armed Forces.

In 1969, Nataniel Awom, the younger brother of Permenas, was leading an armed struggle against Indonesian military rule in the island of Biak. He was also persuaded and surrendered peacefully. Towards the Christmas of 1969, he also disappeared in the hands of Indonesian arm forces without any trace. The two uncles mentioned above are just the examples many other West Papuans in other areas who lost their lives during Indonesian military operations in the early 1960's.

Between 1964 and 1967, a cousin and a close friend of mine, Arnold Ap, formed a Papuan cultural music group known as Mambesak. Arnold Ap was basically promoting Papuan folk songs and collecting Papuan artifacts. Arnold later studied anthropology and taught at Cenderawasih University in West Papua's capitol of Jayapura. Arnold Ap was simply trying to promote the indigenous culture of Melanesian people. The military government saw that Arnold Ap was promoting the Papuan culture and that it was popular among the West Papuan people. Therefore, in April 1983, Arnold was murdered along with his cousin Eduard Mofu and two other West Papuans in his cultural group. Their bodies were badly tortured, burnt, and thrown at the beach near the town of Jayapura. The military perpetrators of this crime were promoted following this murder.

After the murder of Arnold Ap, I decided to become an advocate for his case and other human rights abuses in West Papua on an international scale. In 1984, the Catholic church of Australia sponsored me to live in exile in Australia. Since then, I have adopted Australia as my new home. Many other West Papuans have fled West Papua for their safety to the neighboring country of Papua New Guinea, Australia, and the Netherlands. There are thousands of West Papuan refugees inside the independent state of Papua New Guinea today. The Indonesian government from time to time has tried to persuade the Papua New Guinea government to repatriate many of these refugees back to West Papua.

The future of the West Papuan refugees is always uncertain. Many of them are stateless and not recognized under the UN International convention on refugees. Some government officials in Papua New Guinea regard them simply as "Border-Crossers."

The Indonesian government has been opening up new lands in West Papua just to shelter new settlers from the over crowded islands of Java and other parts of Indonesia. We, the West Papuans, are becoming minorities in our own homeland. In the 1971 census there were 887,000 indigenous West Papuans ('Irian born') out of a total population of 923,000 – or 96%.¹ The 2010 census figures so far released only give a total population figure without breaking that figure down into respective ethnic groups. An analysis of these data, just published last week by Dr. James Elmslie, suggests that we are now only 49.55% of population in our homeland.²

Mr. Chairman, I do sincerely hope that our testimony before you today would not be just a showcase to entertain us as indigenous people of West Papua, but a firm action should be taken by the Congress of the United States of America and the government of the United States of America to end support for the Indonesian military. In this context Mr. Chairman, allow me to extend our gratitude to you for sponsoring H.Res. 1355. We hope this Resolution, about free speech and political prisoners, will pass through the US Congress.

At the moment, the people of West Papua are demanding a referendum on the issue of independence in West Papua. Mr. Chairman, Indonesian officials are frustrating our attempts to hold a genuine political dialog about our future. A democratic vote on the issue of independence is now the only means to defend our rights and existence as a race of people in our own God given land.

Thank you.

¹ Elmslie, J. (2009). "Not Just Another Disaster: Papuan Claims of Genocide Deserve to be Taken Seriously." *Inside Indonesia* 97.

² These figures from the 2010 assume that the historical West Papuan annual growth rate has been maintained over the course of the last decade at 10.82%. Elmslie, J. (2010). West Papuan Demographic Transition and the 2010 Indonesian Census: "Slow Motion Genocide" or not?" Papua Papers no. 1, A report prepared for the West Papua Project at the Centre for Peace and Conflict Studies, The University of Sydney, NSW, Australia, September, 2010. ISBN 978-0-9808286-3-4.

Mr. FALEOMAVAEGA. I thank the gentleman for his statement. You had mentioned something about stereotyping and a story going around that Mr. Rockefeller was eaten by the Papuans. And you had said earlier that, no, he wasn't eaten by the Papuans; he was eaten by the crocodiles. I never could differentiate between crocodiles and alligators.

But we have our own little story about people eating other people. This is about Captain Cook, the famous British captain who came to our islands. He was visiting the islands of our cousins, the Tongans, and unbeknownst to Captain Cook, of course, he left, and he gave a real grand name to the Tongans. He named the islands the Friendly Islands of Tonga. Little did he know, if he had stayed just a little longer, the Tongans were going to kill him. Of course, then he came to Hawaii.

And another interesting story is about people being introduced as to what great things their people did. And this fellow was from Samoa. "Oh, I am from so and so. We built the Empire State Building. I am from so and so." So when it came to him, he was asked about what famous thing his people claimed. "We ate Captain Cook," he said.

The gist of my story, Mr. Rumbewas, when the Hawaiians saw Captain Cook, they thought that he was the great god Lono who had come just at the right time for a festival. They treated him almost like a god. And then in one of the skirmishes, one of the Hawaiian chiefs stole some nails or a bolt, which they fought over. And Captain Cook was in the mix. And what happened was that one of the native Hawaiian chiefs struck him, and to the amazement of the Hawaiian chiefs, he groaned. And in the tradition of the Hawaiians, gods are not supposed to groan. So he must not be a god. He must be human. So they killed him instantly.

So that is our story of who ate Captain Cook and who ate Mr. Rockefeller. We have all kinds of stories. So I can identify with your statement about sometimes the negative stereotyping which puts us in a very difficult situation.

Mr. Messet, please.

Mr. MESSET. Chairman, that was a very exciting story about this Mr. Cook. I want to ask you, was he cooked before being eaten? Or was he eaten alive by crocodiles? Captain Cook, the name is "Cook."

Mr. FALEOMAVAEGA. Well, Captain Cook, we have no crocodiles in our islands, and when they killed him, they have a special ritual for high chiefs, and they considered him a high chief. So according to Hawaiian tradition, what they do, they literally cooked him,

stripped the meat, the body from the bones, either fed him to the dogs or whatever. But then the bones were kept as a token since he was a high chief, but he wasn't a god. That is the story of Captain Cook.

I might also note the fact that he was known for being a great navigator when, in fact, it was a Tahitian chief by the name of Tupaia who told Captain Cook where some 80 islands were located throughout the Pacific. So Captain Cook took him on his voyages that went to the Pacific. And when he came to New Zealand, my Maori cousins thought that the Tahitian chief was the head of the delegation, and not Captain Cook.

So we have our own set of stories in relation to Mr. Rumbewas'. So to your question, sir, he literally was cooked.

**STATEMENT OF MR. NICHOLAS SIMEONE MESSET, WEST
PAPUA**

Mr. MESSET. Chairman, thank you very much. Members of the subcommittee, ladies and gentlemen, first of all, thank you for this opportunity to testify before you on the issue of Papua, my home and the place where I was born and raised. I know you will hear many views today. The views I am about to say come from my own life experience with human rights issues and political developments in Papua. They come from my heart. I have been on the outside and on the inside, and I think I have a better view now.

Chairman, let me be clear on where I came from. I was very critical and opposed to the Indonesian Government on the issue of Papua. Papua has had a very difficult history. It is the most beautiful place on the planet, but also a place where the people suffered from Dutch colonialism and Indonesian authoritarianism. There were injustices there, just like there were injustices all over Indonesia. There were conflicts there, and there were human rights violations, which also affected members of my family.

But after many years of struggle and hardship, I realized that I can only cry for so long. No amount of tears can bring back the past. More importantly, I came to realize that the best solution is special autonomy. The special autonomy is the solution that is endorsed by the world community. This is the solution. This is most practical, good for Jakarta, good for the Papuans. This is the solution. This is best for the Papuans. I really hope and believe that this solution would bring political, economic and social empowerment for the Papuans. It is a just and fair solution, and it will finally allow Papuans to come to terms with our future.

There is now a light of hope for Papuans. We can breathe the air of freedom. We can choose our own leaders. We can control and spend our own spending. We can write our own future. The more democratic Papua becomes, and the more development we get, the more we can resolve social and political tensions in Papua. As a Papuan, I really feel that we are now opening a new beginning. We no longer feel sidelined, but we are in control of our own destiny. I know my fellow Indonesians also feel like this.

I have come here because I share your concern of human rights. Believe me, I have experienced this problem firsthand. There is still tension in Papua. The underlying conflict has not gone away, and there can be no bright future, no peaceful Papua unless respect

for human rights is part of that future. I do not know how long this tension will go on, but I do ask you not to make the tensions worse, because when things get worse in Papua, you stay here in your comfort, and we suffer. You have to help to give them more hope, the right hope, not the false hope. It is the hope of unity, reconciliation, freedom, and development.

You cannot understand Papua if you only look and hear only one side, and you cannot help us if you impose your views on us. We Papuans are not political commodity. I have returned to Papua, but Mr. Rumbewas remains to stay in Australia. I have been living in Sweden, the most wealthy country in the world and not America, Sweden is my asylum country, but I have to leave that beautiful country. I have to go. My daughter said to me, Dad, you are a madman. Why you took us from the darkness and brought us to the light and now you want to go back to the darkness? I said, "That is your philosophy, my daughter." I want to take that light back to the Papuans where they can see the light, too. That is my daughter's philosophy.

It is better for me to struggle from the inside as part of this process rather than to fight from the outside with no result. I will keep pushing them to meet the commitment to protect their rights and the interests of my people. And because of special autonomy, I also keep pushing the elected Papuan leaders to do more for our people.

I have no doubt whether the Indonesian Government was serious about human rights, but I changed my mind during the case of Theys Hiyo Eluay's murder. The military officers who were found to be the masterminds in executing him were sentenced accordingly by the court. The military now is also restrained, unlike before, and I have not heard of major human rights violations recently. In fact, there is a growing trend of former OPM figures who have abandoned their cause and rejoined the new Papuan democracy, including me.

Papua still has a very long way to go, Chairman. I do not have any delusions about the magnitude of our problems, but we cannot be stuck with the past. Otherwise, we are imprisoned by our fears. I really want the United States Congress to help Papuans improve their lives with more education, more jobs. I also hope Papua will be more open to the outside world. But this has to be lead not to more conflict, but to more peace, Chairman.

I appreciate the attention of the United States Congress on the issue of Papua. I hope you do not send the wrong message to Indonesia and Papua. Do not undermine the goodwill that is now being developed. Help us preserve and improve our human rights that is now happening. Help us promote unity and reconciliation.

In conclusion, Chairman, I, on behalf of the IGSSARPRI Foundation, as an independent and privately funded group dedicated to collaborating with all institutions and individuals wherever they may be, including the Government of Indonesia, to creating a just, peaceful, and prosperous society in the nation of Indonesia, inclusive of Papua, wishes to strongly make the following three-part recommendation on this historic occasion: Number one, that the United States House of Representatives and the United States administration under the leadership of President Barack Hussein Obama, as a matter of regional and international strategic priority,

reaffirm and strengthen the Comprehensive Partnership Arrangement between the United States and the Republic of Indonesia without further delay.

And number two, that in the future, where necessary, important issue relating to human rights and environmental concerns affecting Papua, as well as political, social and economic empowerment considerations intended for the people of the autonomous region be appropriately addressed strictly within the spirit of the Comprehensive Partnership Agreement between the two nations.

And thirdly, that care must at all times be exercised whilst in the pursuit of the objectives of the Comprehensive Partnership Arrangement between the two nations and not allow any party to act in a manner that is liable to inflict unnecessary discomfort and anxiety upon the people of the autonomous region of Papua.

Mr. Chairman, I am very grateful to be here to testify. Thank you, God. I am pleased to hear that. As well, Chairman, I am a Papuan, and I will still be a Papuan, but in Indonesia, they call it Mel-Indo, Melanesia/Indonesia. Thank you.

[The prepared statement of Mr. Messet follows:]

Nicholas Simone Messet
Deputy Chairman
IGSSARPRI FOUNDATION
(Independent Group Supporting the Special Autonomous Region
of Papua within the Republic of Indonesia)
22nd September 2010
House Committee on Foreign Affairs
Congress of the United States
U.S. House of Representatives - Washington DC

Firstly of all, on behalf of the *IGSSARPRI FOUNDATION*, I wish to respectfully register our most sincere gratitude with the Chairman of the House Committee on Foreign Affairs, His Excellency Congressman Howard L. Berman, and, in particular, with the Chairman of the Sub-Committee on Asia, the Pacific and the Global Environment, His Excellency Congressman Eni F.H. Falcomavacga, for the considered and expeditious manner in which their respective offices had enabled us to attend and be heard at this hearing entitled, **“Crimes Against Humanity: When Will Indonesia’s Military Be Held Accountable for Deliberate and Systematic Abuses in West Papua?”**.

At the outset, I wish to make it absolutely clear to the Committee that the views I express here are that of the Foundation and I speak strictly and solely for and on its behalf, based on our own observation and assessment of developments in relation to human rights conditions in Papua and political circumstances in the prescribed region both before and after the advent of reforms at the close of the 1990s some ten years ago.

It is also equally important for the Committee to know that neither am I here to incriminate or exonerate anyone, or even attempt to dispute rightful representations being made or authentic information being supplied by others sharing this humanitarian concern.

Human rights conditions in Papua had long been a sensitive and pressing subject requiring some serious attention, particularly from the Indonesian government itself in the first place and other institutions equally obliged to making amends. In fact, history has it that the United States under the leadership of the then President John F. Kennedy played a decisive role in the early 1960s in getting Papua re-incorporated into the Republic of Indonesia. I am, therefore, particularly pleased to say that it is only appropriate that the U.S. House of Representatives, through an act of this Committee in convening this hearing, has finally acknowledged this historical fact and had willingly accepted some degree of responsibility by offering to investigate the state of affairs in Papua, both before and now, with a view to eliminating what the Committee in its own words has described as “crime againts humanity”.

Be it as it may, the *IGSSARPRI FOUNDATION*, regrets to say that such seemingly humanitarian gesture could have come at a more appropriate time, a period spanning over no less than some 40 years since Papua's re-incorporation into the republic back in 1963, during which time, the Indonesian authorities today openly admit, much of the more serious human rights breaches had occurred. Has it been really necessary for the U.S. House of Representatives to have waited all these years to formally commission an inquiry into the predicaments the people of Papua had had to face for decades? Why only now of all times, the House decides to act, when from all accounts, including reports diligently compiled even by the US Government's own agencies, tell us of much improved human rights conditions right across Indonesia, including Papua, since the beginning of reforms and the process of democratization first unfolded in earnest in the late 1990s?

No one denies that Indonesia had witnessed some of the worst human right breaches in recent history. However, by the same token, even in my previous position as a staunch opponent of the Indonesian government, I dare say that there is credible evidence on hand to suggest that military related human rights breaches across the nation, including Papua, had significantly subsided and largely brought under strict government scrutiny. Papuans today have greater freedom of speech, association and assembly than they have had for decades. These rights have further been strengthened and guaranteed under the reformed laws and political restructuring being brought about, whilst the military and the police have been relegated to strictly performing their stated Constitutional duties instead of venturing into civilian roles almost at will, as had been the case in Papua for years previously.

It is also worth noting, particularly for this Committee, as to how the issues of human rights breaches in the region had quickly manifested into a marketable political and economic commodity conveniently used by parties with vested interests to highlight their plights. The military too on the other hand often initiate actions tantamount to serious breaches against humanity as a way to justify its claims for higher operational budgets. An important question begging for an answer, therefore: Is the so-called war seemingly directed at Papuan independence advocates real, deliberately engineered or imagined?

Meanwhile, I am pleased to openly submit before this Committee, on behalf of the *IGSSARPRI FOUNDATION*, certain information pertaining to latest developments in relation to the issue of human rights breaches in Papua, as we in the Foundation see it.

However, the issue of human rights breaches has lately become a key phenomena often used by the OPM groups within Indonesia and abroad to push their cause for self-determination and outright independence establishing a separate nation-state outside the Republic of Indonesia. This is clearly happening with the involvement and complicity of certain pro-democracy international NGOs and a collection of other entities.

Needless to say, there had been a number of incidents in recent years providing a convenient ground for the OPM to exploit them as human rights cases, which in turn enabled the international NGO networks to once again seize the opportunity to raise serious allegations of human right breaches against government institutions, particularly the military and the police (TNI/Polri).

Consistent with changes taking place throughout the nation, TNI/Polri too had taken necessary steps to implement its own set of reforms internally. These reform efforts has significantly raised awareness, greater understanding and appreciation among servicemen and women about the importance of observing universal human rights, their protection clauses and the need for developing greater respect for laws generally. These improvements, including growing public scrutiny, as expected, had largely denied opportunities for TNI/Polri to commit human rights breaches. Therefore, on close scrutiny, certain allegations levelled at TNI/Polri are often deliberately manufactured to help justify demand for political independence. I can speak about this with authority, as I had been engaged in such enterprise myself for years in my previous role as a leader of the independence movement based abroad.

This Committee would have known of the wilful murder of Papuan independence leader, the late Theys Hiyo Eluay, and his driver Aristoteles Masoka, committed by members of Kopassus, military's elite forces, after having attended the unit's anniversary celebrations along with other community leaders at its Tribuana headquarters in Hamadi on the outskirts of Jayapura on 10th November 2001. The Foundation to this day regrets such brutal action taken against a Papuan leader who, we unreservedly still believe, was a harmless person and that his premeditated murder was most unwarranted. Forcefully taking Masoka's life was equally inhuman and totally unnecessary.

After a lengthy process of investigation involving the police, National Human Rights Commission, and an independent team of investigators from the TNI headquarters in Jakarta, all named seven (7) murder perpetrators stood trial and finally found guilty in a Surabaya military court on 21 April 2003 and had served out their prison sentences ranging from two (2) to three and half (3 ½) years.

Similarly, there was a recent shooting incident in the Yapen-Waropen region in which a policeman on 3 August last year, when giving chase, shot dead Yawan Wayeni, a leader of a militant OPM group who had been operating in the area. The deceased had attempted to put up resistance, according to local police report, before being shot and later died through excessive loss of blood, as medical help could not be obtained in time to save his life. Meanwhile police recovered an improvised home-made weapon used to attack the ensuing police patrol. This was clearly a police case in which the person being pursued was armed and who refused orders to surrender and had instead opened fire on the police. On closer examination of this particular incident, statement alleging human rights abuse contradicted with report stating the chronology of events resulting in Yawan's death. Police had maintained they had acted within the law.

The death of a well-known OPM leader, Kelly Kwalik, aged 60, in the hands of Densus 88, the special police anti-terror unit, in the early hours on the morning of 16 December 2009, at a residential dwelling place in the township of Timika had also drawn some strong reaction from Papuans and others alike with the usual claim of government forces committing a human right breach by shooting dead Kwalik. The autopsy result showed the deceased was shot in the head and stomach area and police had maintained they had acted quite within their prescribed operational guide in upholding the law. Kwalik's body was later released to the relatives for burial purposes following exhaustive consultations.

In the three examples cited above, Kwalik and Yawan were clearly police law enforcement related cases, whilst the military had openly admitted responsibility for the brutal death of the late Theys Hiyo Eluay as a number its own serving special forces members were behind the criminal act. It says they had acted independently on their own initiative to murder the late Papuan leader and the perpetrators were duly subjected to established legal processes and punished accordingly. The true circumstances of his driver Masoka's death, however, still shrouded in mystery as his remains had never been found or explained by anyone.

In conclusion, the *IGSSARPRI FOUNDATION*, as an independent and privately funded group, dedicated to collaborating with all institutions and individuals, wherever they may be, including the Government of Indonesia, to creating a just, peaceful and prosperous society in the nation of Indonesia inclusive of Papua, wishes to strongly make the following three-part recommendation on this historic occasion:

1. That the U.S. House of Representatives and the U.S. Administration under the leadership of President Barack Hussein Obama, as a matter of regional and international strategic priority, reaffirm and strengthen the Comprehensive Partnership Arrangement between the United States and the Republic of Indonesia, without further delay; and,
2. That in future, where necessary, important issues relating to human rights and environmental concerns affecting Papua, as well as political, social and economic empowerment considerations intended for the people of the autonomous region be appropriately addressed strictly within the spirit of the Comprehensive Partnership Arrangement between the two nations; and,
3. That care must at all time be exercised whilst in the pursuit of the objectives of the Comprehensive Partnership Arrangement between the two nations and not allow any party to act in a manner that is liable to inflict unnecessary discomfort and anxiety upon the people of the autonomous region of Papua.

Mr. FALÉOMAVAEGA. Thank you. Mr. Yumame.

**STATEMENT OF MR. SALAMON MAURITS YUMAME, HEAD OF
FORDEM (THE DEMOCRATIC FORUM)**

Mr. YUMAME. Mr. Chairman, it is a great pleasure for me to speak before you. I speak on behalf of Papuan peoples. We Papuan people, our basic human rights have been denied for 41 years. When in 1969, we had been forced to become Indonesian by the "Act of No Choice," the act of manipulated choice.

Through these fairly important things, I want to thank you for this meeting. It is very crucial to attend this testimony so that you can tell everybody what we are facing now in West Papua, that our people in West Papua today are in the verge on extinctions if there is no immediate and brave action to prevent it.

Yesterday when I am in the military airplane when I flew from Jakarta to New York, I saw a brief film of Mr. Obama when he is trying to—his campaign for the President. He has promised the American people that we bring change. We believe this change can give a better life for us, for American people, and I feel that America has the capability—the American people has the ability to serve the improvement of our life, change in our Papuan life.

Mr. Chairman, the title of my testimony is "The Failure of Special Testimony in West Papua: A Journey from Heaven to Hell." Today there are ongoing social conflict in West Papua and has led to violation of human rights in Papua. Basically there are three root causes of this conflict. First, it is the political status quo of West Papua. Secondly is security approach and human rights violation. And third is lack of political commitment from the Government of Indonesia to develop the Papuan people. They only just have our natural resources. But the lack of commitment to develop our Papuan people.

Special autonomy policies is an alternative policy by the Indonesian Government for the people of Papua in 2001, after a team of 100 people met with Indonesian President B.J. Habibie to request for an Independent State of West Papua. After implementation for almost 10 years, special autonomous policies considered by most Papuan people that it does not become prosperous policy, but, on the contrary, it has marginalized Papua people and let them bound deeper in the cycle of structural poverty.

Human rights violations continue to occur, and massive dead of Papuan people population cause of poor health condition is HIV/AIDS pandemic. The threat of death from various causes can lead the nation in Papua face the threat of extinction.

The important causes are considered as the cause of the failure of the implementation of Papua—of special autonomy of Papua are, firstly, local government paralyze; secondly, divide and conquer policy among Papuan people. The Indonesian gives policy of ending the—against us in Papua area; third, massive influx of migrant led to Papua population disaster. Papua become minority in their homeland; fourth, the discrimination in economic disparity. The Papua population has been marginalized in the economic circle in the homeland; five, massive exploitation of natural resources without counting Papua people interest; and six, silent genocide policy

implemented by the Indonesian Government; and seventhly, human rights violation by military and police over there.

As an intellectual, this worsening situation of most of Papuan people, we organize a forum we call United Democratic Papuan People Forum. We initiate and organize a new nonviolence strategy. We have been working together with all Papuan community, community-based organizations. Some of those community leaders are with me today. They have come with me, and they use the hat like this.

Since March 2010, we have been actively working hard to set up awareness of our Papuan identity and dignity, which has been destroyed by Indonesian Government. Since then we have approached various group of community, mainly youth and women and well-educated Papuans from high school to higher institute. Besides that, we provide written information and distribute it to Papuan people from door to door.

We have also successfully organized more than six peaceful public demonstration, participated by more than 20,000 people. Most of them are youth and women. We have been working closely with Papuan People Assembly to hold Papuan People General Assembly on 9 and 10 June, 2010, in Jayapura. In this Congress, we, together with representative of Papuan people, have carried out evaluation of implementation of Special Autonomy in Papua Province. Finally, we have concluded that special autonomy policy has failed to bring welfare for Papuan people.

As the consequences of the failure of special autonomy policy, Papuan people reject the continuation of the implementation of special autonomy, and urge the Indonesian Government to seek special way for implementing referendum as the final solution for Papuan people to exercise the right for self-determination.

The decision of Papuan People Congress and decree of Papuan People Assembly No. 2, 12 of June, I attach with my testimony.

Amid the decision of Congress Papua, FORDEM successfully organized a huge public demonstration and marching along 20 miles, with an estimated participation more than 10,000 people spent the night at the Parliament House in Jayapura. During this public demonstration, the police commander threatened to use violence to dispel the demonstration. We believe that through peaceful and nonviolent strategy, we will gain international attention and support.

With regard to the failure of special autonomy, which has brought human right abuse in Papua since 41 years under Indonesian authoritarian rule, I urge and propose to the committee as follows: One, to uphold the protection of human right in the world, including the human rights of the West Papuan people, and to request the Government of Indonesia to open a humane and acceptable dialogue for a fresh referendum to replace the special autonomy policy.

Second, the U.S. Government should stop military support for Indonesian Government as many of the human right abuse in Papua still committed by military and police force.

Third, to put the pressure on Indonesian Government to allow international NGO, researchers and journalists to visit and work in Papua.

Four, we hope that American Government can have and can consider to have a permanent consulate or U.S. Government representatives to be in Papua in order to monitor the human rights abuse in Papua.

Mr. Chairman, I had three PowerPoint presentations I want to show you the situation about our suppression in Papua, if you don't mind.

Mr. FALÉOMAVAEGA. Mr. Yumame, we still have two other witnesses who haven't testified. I think you have pretty much just outlined what you said orally. I don't think we need to go through your PowerPoints at this point in time, but they will be made a part of the record. Okay?

Mr. YUMAME. Okay. Thank you.

[The prepared statement of Mr. Yumane follows:]

Testimony of

Mr. Salamon Maurits Yumame
Head of FORDEM (The Democratic Forum)

“Crimes Against Humanity:
When Will Indonesia’s Military Be Held Accountable
for Deliberate and Systematic Abuses in West Papua?”

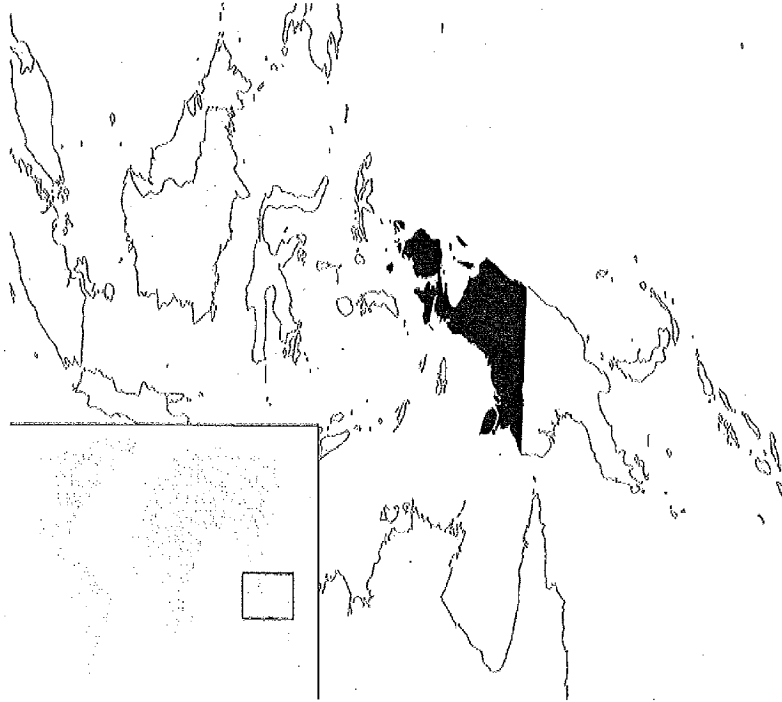
U.S. House Committee on Foreign Affairs
Subcommittee on Asia, the Pacific and the Global
Environment

Wednesday, September 22, 2010

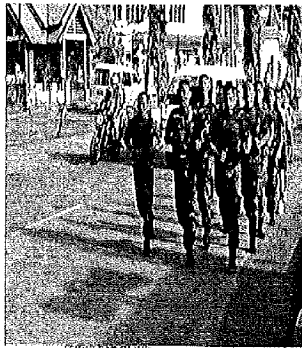
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for Deliberate and Systematic Abuses in West Papua?”



Special Autonomy: what are the problems?



Indonesian security forces

Special Autonomy failed to put Indonesian security forces under the control of locally and regionally elected civilian leaders. Security forces have a separate command structure and budget.



Kopassus Special Forces are creating an atmosphere of fear and insecurity.

Arbitrary detentions have continued through 2010.

Special Autonomy: what are the problems?



Economic Marginalization

In 2009 West Papua ranked last, out of Indonesia's 33 provinces, on the Human Development Index—a measure of life expectancy, literacy, and standard of living.

As quoted in Tedjasukmana, "Why Jakarta Needs to Pay More Attention to Papua," *Time Magazine*, 16 August 2010.

Marching for Hope: June & July 2010



Democratic Form (FORDEM) Mass Mobilization

Over 20,000 people on the
streets.

The Special Autonomy law
was formally returned to the
Indonesian government.

The people rallied behind calls
for Dialog and a Special
Referendum on the issue of
independence.

Mr. FALOMAVEGA. Thank you. Dr. Kirksey.

STATEMENT OF S. EBEN KIRKSEY, PH.D., VISITING ASSISTANT PROFESSOR, THE GRADUATE CENTER, THE CITY UNIVERSITY OF NEW YORK

Mr. KIRKSEY. Mr. Chairman, I would like to thank you for your leadership. It has been really consistent. And I see it is a real heartfelt thing, and it is a struggle that I share with you.

I didn't start out as a human rights activist. I went to West Papua in 1998 with a grant from the U.S. Indonesia Society. I basically wanted to study food. I wanted to study how indigenous communities subsist and survive amidst changing environmental circumstances. Weeks after I got there, I saw two fellow students get shot. I was at the University of Cenderawasih. That is the main government university in Jayapura. Steven Suripatti, a law student, was shot in the head. Corina Onim, a young woman, she was in high school, she was shot in the leg.

I tried to get out of Jayapura. I went to Biak, and over the course of 3 days, I was trapped in a hotel while a massacre took place. Basically a group of protesters was surrounded at dawn. There were Indonesian police there. There were military people. There were Navy troops involved. They surrounded protesters who were peacefully sleeping under the Morning Star flag, and they started shooting into the crowd.

Let me read what one of the eyewitnesses, one of the survivors told me. This eyewitness saw a truck that took the bodies of the dead and the dying away from this crime scene:

"I counted 15 people in the first load. The truck came a second time and I counted 17 people inside. When they opened up the truck bed I could see lots of blood, in that small truck there was lots of blood."

In that initial attack there were about 29 people killed, according to human rights reports. The survivors of that initial attack, living people, were loaded onto Navy ships. I could see those ships from the hotel where I was trapped. We don't know exactly how many people were on those ships. What we do know is that in the coming weeks, 32 decaying bodies washed onto the shore.

I am going to be meeting with Mr. Scher later this week. We are going to help him fill in some of those numbers. We are coming up with more and more accurate numbers of how many Papuans have been killed. Rather than go through those numbers today, I would just like to show a single picture. This picture is of a bag. It is floating in the ocean. In that bag is a body. It was a 32-year-old health worker named Wellem Korwam. He was executed by police forces. And, Mr. Chairman, I am not going to show the pictures in this envelope today. I am going to offer them to you. At your discretion, you can put them in the record.

These pictures in this envelope here show what happened after that bag was opened up. Basically the next picture in the series shows a man with plastic gloves. He is arranging a torso in a coffin. You can see white, black, and pink organs inside of the torso. The next picture is a jumble of seven different body parts; two legs, two arms, a head and a torso, two other pieces of the body's trunk.

The mouth of this body, the mouth of Wellem Korwam, someone who was a living human being, is distorted in these pictures. It is opened in a yawn. His eyes have turned whitish green. They are staring unfocused. The nose and the arms and the ears are all gone. Those pictures are in this envelope.

The Rome Statute gives us a global framework for prosecuting violators of human rights when they enjoy impunity in their home country. I disagree with Mr. Scher. I think there is a very systematic and deliberate pattern taking place. People who harbor nationalist sentiments are targeted, they are killed, they are jailed. Amnesty International has a prisoner of conscience, Filep Karma, who is in jail for a 15-year jail sentence for simply raising a flag.

Mr. Chairman, when U.S. citizens are killed, we can bring the perpetrators of those crimes to our courts. I am offering a 33-page article published in a peer-reviewed journal about two U.S. citizens, two schoolteachers, who were killed in Timika. I reviewed the evidence in this article that Indonesian soldiers participated in the shooting and killing of these Americans. The Indonesian courtroom that tried this crime sentenced Antonius Wamang and a couple of other Papuan accomplices. Wamang got life. The other guys got a few years. Wamang pled guilty to this crime, but it is very, very clear from the evidence that I have that he was not acting alone. The mastermind is at large. Mr. Wamang should be brought to a U.S. courtroom to be tried.

I would also like to repeat a recommendation that Mr. Yumame made. In the moment after Wamang was sentenced, this person who had pled guilty to killing Americans, for several years, U.S. military aid was held up on the outcome of this case. But after Wamang was sentenced to life in prison, the Bush administration signaled a new era of military cooperation with Indonesia. Right now we have millions of U.S. taxpayer dollars going to foreign military financing as well as international education training, IMED, for Indonesia's security forces. These are U.S. taxpayer dollars funding this. There are currently no legislative restrictions on purchases of U.S. military equipment by Indonesia.

Mr. Chairman, Indonesia's track record speaks for itself. The question I have for the administration is does the Democratic Party really want to continue associating with these human rights abusers? In my personal opinion, I think military aid from the United States to Indonesia should be cut off. If the Appropriations Committee decides to keep these programs in place, very real conditions and clear benchmarks should be established. The Indonesian Police, military and Navy should receive no more funding from the U.S. Government until the murderers of Wellem Korwam are brought to justice. They should receive no U.S. funds until Indonesian officials let forensic pathologists exhume the mass graves on Biak.

Mr. Chairman, thank you for holding this historic hearing. With your continued leadership, the U.S. Government will play a role in ending Indonesian military impunity in West Papua.

[The prepared statement of Mr. Kirksey follows:]

Testimony of S. Eben Kirksey, Ph.D.
The Graduate Center, City University of New York

before the
U.S. House Committee on Foreign Affairs
Subcommittee on Asia, the Pacific and the Global Environment

September 22, 2010

**“Crimes Against Humanity: When Will Indonesia’s Military Be Held
Accountable for Deliberate and Systematic Abuses in West Papua?”**

Mr. Chairman first I would like to express thanks for your leadership. Along with Chairman Payne, Representative Patrick Kennedy, Members of the Congressional Black Caucus, and the Progressive Caucus, you have consistently reminded your fellow Members of Congress and counterparts in the Administration of the grave abuses perpetrated by Indonesia’s security forces in the seemingly remote land of West Papua.¹ I also want to acknowledge the many Papuan leaders sitting behind me here in the audience today, who have travelled thousands of miles to witness this historic occasion.

In 1998 I was awarded a grant from the United States Indonesia Society to conduct anthropological research in West Papua. At the time I was intent on studying indigenous foodways for my undergraduate honours thesis. Human rights issues were not on my radar screen.

Weeks after I enrolled as an exchange student at Cenderawasih University, in July 1998, I heard shots that hit two fellow students at a small demonstration—Steven Suripatti, a law student, was shot in the head and killed, and a high school girl, Corina Onim, was shot in the leg as she watched the protest from the sidelines.²

Days after this incident, I found myself trapped in a hotel, on the island of Biak, while a massacre took place. At dawn on July 6th, 1998, Indonesian security forces surrounded a group of Papuan protestors, who were peacefully sleeping in the Biak harbor under the Morning Star flag, West Papua’s banner of independence. It was a joint operation involving mobile brigade police (Brimob), army troops (Kopasgad), a company of soldiers from the local barracks (Kodim), as well as Navy personnel. I could hear the troops firing into the crowd. Later I interviewed witnesses who watched soldiers load bodies of the dead and dying into a small truck: *“I counted fifteen people in the first load,”* one eyewitness told me. *“The truck came a second time and I counted seventeen people inside. When they opened up the truck bed I could see lots of blood, in that small truck there was lots of blood.”*³

Survivors from this initial assault were loaded onto Navy ships that I could see from my hotel window. People were taken to the middle of the ocean and dumped overboard. In the coming weeks, at least 32 decaying bodies washed ashore on Biak. Some cadavers were missing their heads, hands, or genitals.⁴

In 1999 Human Rights Watch issued a report about the Biak massacre and called for the Indonesian government to exhume graves of the victims in the presence of NGOs and forensic pathologists.⁵ An official inquiry was never launched. This massacre took place on the heels of President Suharto's ousting—during the first moments of Indonesia's Era of Reform. While Indonesian citizens in other parts of the country were enjoying new-found freedoms, Papuans found themselves under the thumb of government security forces who continued to enjoy complete impunity.

The violence intensified in June 2001 when Indonesian police launched a campaign in the remote region of Wasior targeting independence activists that was aptly named "Operation Sweep and Crush." An Amnesty International report found that "over 140 people were detained, tortured or otherwise ill-treated during the course of the operation. One person died in custody as a result of torture while at least seven people are believed to have been extrajudicially executed." During Operation Sweep and Crush, a total of 55 houses in Wasior were burned or otherwise destroyed by security forces.⁶

The murder of Wellem Korwam, a 32-year-old health worker, illustrates the extreme brutality perpetrated by Indonesian security forces during Operation Sweep and Crush.⁷ His body was cut in seven pieces and then dumped into the sea. Here is picture of some twenty people—health workers, police officers, civil servants and civilians—struggling to deal with a large plastic bag containing Korwam's body. The bag is bulging with gas and floating in the water near a palm-fringed beach. Mr. Chairman I will spare your Committee, and the public, the horror of seeing the pictures of Mr. Korwam's body once this bag was opened up. Instead I will describe the pictures.

The next photograph in the series was taken indoors—a man with plastic gloves is arranging the torso in a white coffin. It is a wide-angle shot and one can see the white, black, and pink organs inside the torso. The subsequent picture is a jumble of seven different body-parts: two legs, two arms, the head/torso and two other pieces of the body's trunk. The mouth gapes open in a distorted yawn; whitish-green eyes stare unfocused in different directions; the nose, arms and ears are gone. The final photo is of the burial site. Cloths worn over some of the mourners' mouths and noses helped stifle the putrefying smell. Mr. Chairman, I have the photographs of Mr. Korwam's body with me here today in this envelope. At your discretion, the photographs might be introduced to the record.

The Rome Statute sets a global standard for prosecuting crimes against humanity when perpetrators enjoy impunity in their home countries. As outrage about the deliberate abuses against political leaders in West Papua grows here in Washington, and in other countries around the world, Indonesian soldiers and police officers should think twice before committing future acts that violate national and international laws.

When U.S. citizens are murdered while living or travelling abroad, there are clear legal precedents for trying suspects in our own courts. Two American schoolteachers, and one Indonesian, were shot dead on August 31st, 2002, near the gold and copper mine of Freeport McMoRan (FCX) in Timika, West Papua. The shooting lasted about 45 minutes and was nearby an Indonesian military checkpoint where more than 100 soldiers were stationed with Kostrad Battalion 515. Eyewitnesses also placed Kopassus Special Forces soldiers at the crime scene.⁸

Indonesia's own initial investigation, lead by Police Chief Made Mangku Pastika, found "a strong possibility" that there were Indonesian military shooters.⁹ Pastika, and other senior police investigators were transferred off of the case in late 2002, as the Indonesian military stepped in to take charge of the investigation. The military promptly exonerated themselves.

The FBI showed an interest in conducting their own murder investigation from the outset. But, Indonesian authorities were initially hostile. At first FBI agents were only permitted short visits to Timika. Their interviews were, initially, conducted in the presence of Indonesian minders.¹⁰ Despite repeated high-level requests from the U.S. government, including a personal appeal by President George W. Bush, the FBI had continual difficulties in gaining access to witnesses and material evidence for many months.¹¹ By the time the FBI hit the ground, the trail was cold.

Antonius Wamang, a Papuan farmer, was sentenced to life in prison for participating in this attack by an Indonesian courtroom on November 7th, 2006. Wamang pled guilty, but it is clear that he was not acting alone. Mr. Chairman, today I am submitting a 33-page article for the record, which was published in a peer-reviewed journal, detailing Mr. Wamang's ties to the Indonesian military. The Indonesian courts failed to systematically evaluate evidence that Indonesian soldiers shot and killed U.S. citizens. Mr. Wamang, and his alleged military accomplices, should be brought to trial in a U.S. courtroom.

The very day that Wamang was sentenced to life in prison, the Bush Administration signaled a "new era of military co-operation" with Indonesia.¹² In 2006 a new Pentagon program was announced that provided U.S.\$19 million for building Indonesian military capacity. The next year, in December 2007, the U.S. Congress provided the Indonesian military with U.S.\$18.4 million in Foreign Military Financing (FMF) for the 2008 fiscal year.¹³ For the Fiscal Year 2011, the Administration has requested U.S.\$22 million for FMF as well as U.S.\$1.8 million for the International Military Education Training (IMET) program. There are currently no legislated restrictions on purchases of U.S. military equipment by the Indonesian military.

Widespread and systematic crimes continue to be perpetrated by Indonesian security forces against Papuans who express desires for self-determination and political independence.¹⁴ In the past twelve years of Indonesia's "Reform Era", many Papuan leaders have been murdered, tortured, or imprisoned for their political beliefs and aspirations.

Mr. Chairman, Indonesia's track record speaks for itself. Does the Democratic Party really want to continue associating with these human rights abusers? In my personal opinion U.S. military aid programs for Indonesia should be cut off completely. If the Appropriations Committee decides to keep these programs in place, very real conditions and clearer benchmarks should be formalized. The Indonesian military, police, and navy should receive no more funding from the U.S. government until the murderers of Wellem Korwam are brought to justice, until Indonesian officials let forensic pathologists exhume the mass graves on Biak.

Mr. Chairman, thank you again for holding this historic hearing. With your continued leadership the U.S. government will play a role in ending Indonesian military impunity in West Papua.

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- 1 The territory has various names, each with charged political connotations. On October 19th, 1961 the Papuan National Committee issued a manifesto renaming their nation "West Papua," from the previous name "Netherlands New Guinea." After a U.N. brokered deal ceded sovereignty of the territory to Indonesia in 1963 the official name of the new province became "West Irian," later "Irian Jaya." On January 1st, 2000, Indonesian president Gus Dur issued a Presidential decree to rename the territory "Papua." Further complexity was introduced in 2003 with a controversial move that split the territory into the Province of Papua and the Province of West Papua. To avoid undue confusion, most scholars have adopted the name "West Papua" to refer to the entire territory for all recent historical periods.
 - 2 One Student Killed in Clash with Security Personnel. *Associated Press Worldstream*. Jakarta, 3 July 1998. (1998). Indonesia: Human Rights and Pro-Independence Actions in Irian Jaya, Vol 10, No. 8 (C). New York, Human Rights Watch: 17. [Available on-line: <http://www.hrw.org/reports98/biak/index.htm>].
 - 3 Twenty-nine people were killed in the initial assault, according to human rights reports. See the Indonesian language report by Elsham Papua: the Institute for Human Rights Study and Advocacy: "Nama Tanpa Pusara, Pusara Tanpa Nama: Laporan Pelanggaran HAM di Biak". Elsham Report: Jayapura, West Papua (July 1999).
 - 4 Elsham, "Nama Tanpa Pusara, Pusara Tanpa Nama," 56-8.
 - 5 Indonesia: Human Rights and Pro-Independence Actions in Irian Jaya, Vol 10, No. 8 (C). New York, Human Rights Watch: 17. [Available on-line: <http://www.hrw.org/reports98/biak/intro.htm>].
 - 6 Withers and Poulsen, "Grave Human Rights Violations in Wasior," (2002) AI-index: ASA 21/032/2002 [available on-line <http://www.amnesty.org/en/library/info/ASA21/032/2002>]. See also: Kirksey, S. E. *Freedom in Entangled Worlds* (forthcoming).
 - 7 I managed to secure interviews about Wellem Korwam's murder with key sources in Nabire, Manokvari, and Wasior. The sources included family members, church workers, village leaders, and fishermen. While keeping all of these sources anonymous to protect them from potential retribution, I have rigorously cross checked all of their accounts. By almost all accounts Wellem Korwam was disappeared, murdered, and dismembered by a Brimob paramilitary police unit. See also: Withers and Poulsen, "Grave Human Rights Violations in Wasior," (2002) accessed on 8 September 2010 [available on-line <http://www.amnesty.org/en/library/info/ASA21/032/2002>].
 - 8 Kirksey, S. E. and A. Harsono (2008). "Criminal Collaborations? Antonius Wamang and the Indonesian Military in Timika." *South East Asia Research* 16(2): 165-197.

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- 9 Tarigan, the Deputy Police Chief, told reporters that the 13 guns used in the attack were the types of weapons issued to soldiers stationed in the area. "*Only the military and Freeport workers pass through the area*," Tarigan was quoted as saying by *Tempo* newsmagazine. Hyland "Police Blame Army for Papua Ambush," 27 December 2002; Agence France Presse, "Police say Indonesian Army Behind Papua Ambush," 26 December 2002. Pastika's statements as quoted in Priest, D. (2003). *Nightmare and a Mystery*. *Washington Post*: A01.
- 10 Priest, "Nightmare and a Mystery," A01.
- 11 Moore, M. "Find Freeport Killers, Bush Tells Megawati," *Sydney Morning Herald*, 21 December 2002.
- 12 "U.S.: Washington Signals New Era of Military Co-operation," *Radio Australia*, 11 November 2006.
- 13 The majority of these funds, U.S. \$15.7 million, were automatically awarded to the Indonesian military in FY2008. The remaining U.S. \$2.7 million was awarded once the U.S. Department of State completed a report about the assassination of human rights activist Munir, access to West Papua, and general reforms in Indonesia. Miller, "ETAN Statement on military assistance to Indonesia in the FY2008 Consolidated Appropriations bill (HR 2764)," <http://www.etan.org/news/2007/12app.htm>.
- 14 For further background see: Osborne, R. (1985). *Indonesia's Secret War: The Guerilla Struggle in Irian Jaya*. London, Allen and Unwin; Budiardjo, C. and S. L. Liem (1988). *West Papua: The Obliteration of a People*. Thornton Heath, TAPOL.

Mr. FALEOMAVEGA. Thank you. Dr. Richardson.

**STATEMENT OF SOPHIE RICHARDSON, PH.D., ASIA ADVOCACY
DIRECTOR, HUMAN RIGHTS WATCH**

Ms. RICHARDSON. Thank you, Mr. Chairman. I will do my best to be succinct. But thank you very much for having this hearing. I think your leadership on this issue gives people hope.

Human Rights Watch takes no position on the claims to self-determination in Indonesia or in any other country; however, consistent with international law, we take a very strong position on the right of all individuals, including peaceful independence supporters, to express their political views peacefully without fear of arrest or other forms of reprisal. And we have long expressed concerns about ongoing abuses by the security forces in Papua and the lack of accountability for those abuses.

Since 2007 alone, we have written four reports about abuses in Papua. There are copies here, and I would like to ask that they be made part of the record. Those detail abuses ranging from severe restrictions on the freedoms of expression, assembly and association to extrajudicial killings, tortures and rape. Many of those abuses were carried out by members of the security forces, including Brimob, Kostrad and Kopassus.

You asked the earlier witnesses about what they thought contributes to some of the frustrations of people in Papua, and I think it is imperative that we spend a few minutes talking about impunity. I think it is very difficult to get people to buy into any sort of governing regime when they feel that the terrible abuses that they have suffered will go uninvestigated. And that has very much been the case not just in Papua, but across Indonesia.

In July 2010, shortly after Secretary Gates left Jakarta, the TNI chief Djoko Santoso was quoted saying that as far as the TNI is concerned, the issue of past human rights violations is over.

As long as people are not prosecuted for human rights abuses, they are not over. Impunity itself is a human rights abuse. And while many people either in Washington or in Jakarta may want us to believe that the TNI or other security forces in Indonesia do not carry out abuses on the scale that they once did, the fact that there is near total impunity for abuses in the past and now, and now—this is not in the past, this is now—is an extremely serious problem.

I want to share with you just a few examples both from Papua and elsewhere. The failures to investigate and prosecute, for example, the cases of civilians abused by Kopassus forces in Merauke in 2008 and 2009; the case of Yawan Wayeni in August 2009, who was taunted by members of the security forces as he laid dying; the cases of 13 activists who were disappeared in 1997 and 1998; and, of course, the case of Munir for which no one has ever really successfully been prosecuted.

We have also documented extremely light sentences given to members of the military who were actually prosecuted and convicted for human rights abuses. We continue to see ongoing promotions for service within the military of people who are both credibly alleged and who have been convicted of human rights abuses.

Here I find it a little bit difficult to accept the characterization of the removal of TNI from politics when the new Deputy Defense Minister is, in fact, a Kopassus officer who has a somewhat checkered past.

We also see tremendous resistance to parliamentary oversight for impunity. We have not seen the kinds of commissions, the ad hoc court requested by the DPI to look into the disappearances of the students, nor have we seen movement on a bill that would give jurisdiction over the prosecution for abuses committed by members of the military of civilians into civilian courts.

I think the argument often goes that somehow accountability and justice are inimical to peace. We couldn't disagree with that more. And, in fact, my organization has done extensive research to show that accountability is crucial to long-term peace settlements and their stability. In that spirit, I would make the following recommendations, particularly to the Indonesian Government, that it immediately and unconditionally release all of the persons who are held for peaceful expression of their political views, particularly those we have written about in Papua; to amend or repeal all articles and regulations that criminalize forms of expression; to promptly respond to credible reports of torture in custody—this is also a very serious problem we have written about in Papua; and to remove arbitrary restrictions on access to all regions of Papua.

To the U.S. Government, which we believe seriously undermined standards for military cooperation and accountability globally when it resumed ties to Kopassus, the U.S. should first recondition assistance to the Indonesian military and police on strict standards of accountability for current and past abuses. It should also push for the amendment or repeal of Indonesian laws that allow for the imprisonment of individuals for peaceful political expression, and the release of those imprisoned. And last but not least, it should push for the passage of Indonesian laws that shift prosecution of soldiers who have abused civilians into civilian courts.

Thank you.

[The prepared statement of Ms. Richardson follows:]

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House Committee on Foreign Affairs
 Subcommittee on Asia, the Pacific and the Global Environment

"Crimes Against Humanity: When Will Indonesia's Military Be Held Accountable for Deliberate and Systematic Abuses in West Papua?"

September 22, 2010

Testimony of Sophie Richardson, Acting Asia Director, Human Rights Watch

"Crimes Against Humanity: When Will Indonesia's Military Be Held Accountable for Deliberate and Systematic Abuses in West Papua?"

Mr. Chairman, Human Rights Watch thanks you and the subcommittee for holding this timely hearing on human rights abuses and accountability for the Indonesian military in Papua.

Since 1965, a low level armed separatist insurgency led by the OPM (the Free Papua Movement) has simmered in Papua. Yet while the insurgency is limited to small units of loosely organized guerillas, many in the national government and the armed forces see Papua as the front line in efforts to destroy Indonesia's territorial integrity. Indonesian authorities have responded to the insurgency with militarization of the region and often harsh and disproportionate responses to dissent or criticism. Both army troops and police units, particularly mobile paramilitary police units (*Brigade Mobil* or *Brimob*), engage in largely indiscriminate village "sweeping" operations in pursuit of suspected militants, using excessive, often brutal, and at times lethal force against civilians.

A broad independence movement has also emerged in Papua, and its supporters' activities have mainly involved non-violent resistance to authorities in Papua through flag raisings, mass mobilization for demonstrations, and meetings to form political manifestos for an independent Papua. The security forces' indiscriminate approach to pro-independence Papuans has created a climate of fear and insecurity in the remote region, in which abuses can continue with impunity.

Human Rights Watch takes no position on claims to self-determination in Indonesia or in any other country and we do not wish to support or denigrate the independence aspirations of some Papuan activists. However, consistent with international law, we support the right of all individuals, including independence supporters, to express their political views peacefully without fear of arrest or other forms of reprisal, and we have long expressed concerns about ongoing abuses by the security forces in Papua and their complete lack of accountability.

In 2005, President Yudhoyono stated that he wished to resolve problems in Papua "peacefully, fairly, and with dignity"; in 2006, he expressed a preference for "persuasion and dialogue" rather than violence in settling the longstanding grievances in the region. Yet since just 2007, Human Rights Watch has issued four reports on Papua, documenting abuses ranging from severe restrictions on the freedoms of expression, assembly, and association to extrajudicial killings, torture, and rape; many of these abuses were carried out by members of the security forces, including *Brimob*, *Kostrad* (*Komando Cadangan Strategis Angkatan Darat*, or Army

Strategic Reserve Command), and Kopassus (*Komando Pasukan Khusus*, or Special Force Command).

Investigations and prosecutions for abuses in Papua have been extremely limited. In April 2003, a military court in Surabaya found Lt. Col. Hartomo and six other Kopassus members guilty of mistreatment and battery leading to traditional Papuan leader Theys Eluay's death, but not of murder. Their sentences ranged from two to three-and-a-half years' imprisonment. But while Hartomo and another soldier were also sentenced with discharge from the armed forces, until March 15, 2010, he continued to hold a senior position in Kopassus. Although Hartomo was moved out of Kopassus in advance of US reengagement with the force, he has not been discharged from the armed forces. In 2006, Second Lieutenant Situmeang, the TNI officer responsible for shooting and killing Mozes Douw, an unarmed 16 year old, in Paniai, Papua, was sentenced by a military tribunal to eight months in prison.

In July 2010, we released a report, "Prosecuting Political Aspiration." This report profiles six Papuan activists currently imprisoned for "treason," despite the fact that their peaceful calls for either independence or greater political autonomy are guaranteed not only by international law but also by the Indonesian constitution. It also documents that several of them have been tortured in custody and/or denied access to medical care; only after nearly a year of intensive lobbying did Indonesian authorities grant permission for Filep Karma to be taken to Jakarta for prostate surgery.

While Human Rights Watch credits the administration of President Yudhoyono for advancing certain reforms—regular elections, greater media freedom, greater respect for the rights to freedom of association and assembly—one distressing holdover from previous governments, including that of Suharto, is the reality of near-total impunity for the security forces. The current government is at best tolerating and at worst urging the denial of basic rights in Papua, primarily by failing to prosecute those responsible for these abuses, or by installing in the region officials who have been abusive elsewhere and not held to account. Those include:

- the 2007 appointment of a commander for Papua who had been identified by the United Nations as a suspect in the commission of crimes against humanity in East Timor;

- the failure to investigate and prosecute civilians abused by Kopassus forces in Merauke in 2008 and 2009; and
- the May 2010 transfer—rather than investigation and prosecution—of Anthonius Ayorbaba, the notoriously abusive Abepura prison warden, out of Papua; and
- the failure to investigate and prosecute police forces involved in the disemboweling and death of Yawan Wayeni in Serui, August 2009, whose last minutes were recorded in a now infamous video by security forces who taunted him as he laid on the ground, dying, with his intestines in his hands.

Neither quotidian nor high-profile abuses are systematically prosecuted. On March 28, 2010, members of Kosrad tortured four boys who had allegedly stolen a bicycle; they do not appear to have been subject to any sanctions. More than five years after the 2004 murder of prominent human rights activist Munir Said Thalib, the suspected architects of the killing remain free. On February 9, 2010, a team established by the National Human Rights Commission determined that the 2008 trial of former deputy state intelligence chief and one-time Special Forces commander Muchdi Purwopranjono (in which the court acquitted him on charges of orchestrating Munir's murder) had suffered from serious shortcomings. The examination team recommended that prosecutors file for a "case review" of Muchdi's acquittal or that the police reopen the investigation into Munir's murder.

One of the most emblematic examples are the ongoing efforts to hold the Indonesian military to account for the kidnapping of 23 student activists between 1997 and 1998, 13 of whom have not been seen since. In 1999, a military court convicted eight Kopassus officers and three non-commissioned officers of kidnapping the nine of those student activists who were later released alive. Yet their convictions proved to be no impediment to their future career advancement – of the 11 military personnel convicted, seven were known to be serving in the military as of 2007, and all had received promotions. Moreover, the military trial did not cover the cases of the additional thirteen activists who were forcibly "disappeared" or that of another activist who was kidnapped and found dead.

Ongoing efforts to resolve the fate of those activists have proved fruitless: despite the fact that in September 2009 the Indonesian parliament, acting on a report by Indonesia's National Human Rights Commission, recommended the creation of an ad hoc court to investigate the

enforced disappearances, President Yudhoyono, whose authorization is required for the court's creation, has not acted on the recommendation. A few months after the Indonesian parliament issued its recommendation on the ad hoc court, in January 2010, President Yudhoyono appointed Maj. Gen. Sjafrie Sjamsoeddin, who is implicated in the student disappearances along with other serious human rights abuses in Jakarta and East Timor, to the position of deputy defense minister, suggesting that the prospects for any further accountability are slim.

Even efforts by the Indonesian parliament to rein in military impunity have been thwarted. In October 2009, the parliamentary committee with oversight over defense reached agreement with the TNI leadership that exclusive jurisdiction for the investigation and prosecution into abuses committed by members of the military against civilians should be tried in civilian court. Yet the bill has languished in the parliament for more than a year now. Similarly, the Helsinki Agreement signed by the Indonesian government and the Free Aceh Movement set August 31, 2007 as the deadline for establishing a court to address human rights abuses in Aceh; to date no progress has been made.

Despite recent comments both by President Yudhoyono and US Secretary of Defense Robert Gates that the Indonesian security forces have reformed and committed to higher standards of accountability, evidence from recent weeks suggests that abuses continue.

- In August 2010, Indonesian police arrested approximately 12 activists in Ambon, in Maluku Province, for planning to float separatist flags attached to balloons during a visit by President Yudhoyono. Thereafter, eight of the activists alleged that they had been subjected to torture and cruel, inhuman, and degrading treatment by the police and officers of Detachment 88, Indonesia's counter-terrorism police force. In September, Maluku activist Yusuf Sapakoly, convicted "rebellion" in June 2007 and sentenced to 12 years in prison for assisting other activists who displayed a separatist flag during a visit by President Yudhoyono, died of kidney failure after prison authorities in Ambon denied him necessary medical treatment. Sapakoly had previously alleged that he had been subjected to abuse including beatings by police following his arrest in 2007. National Police spokesman Inspector General Marwoto Soeto told the Jakarta Globe that it was "impossible" members of the police force tortured suspects in custody. However, Indonesian authorities responded by centralizing control of Detachment 88 under the national police commander to improve oversight and

stating that the force would no longer contribute to anti-separatist law enforcement efforts in the province.

- In September 2010, an East Jakarta administrative court rejected a lawsuit brought by Indonesian human rights organizations, including KontraS, against Sjafriz Sjafoeddin, now the Indonesian deputy defense minister. Their petition alleged, in part, that his appointment was inconsistent with the provisions of laws on good governance in Indonesia as he had been implicated by Indonesia's National Commission on Human Rights in three serious instances of human rights violations in 1997-1998, including the disappearances of the student activists. At that time, Sjafoeddin was the military district commander in Jakarta. The National Commission on Human Rights allegedly named Sjafoeddin as one party involved in the serious human rights abuses in three reports it sent to the Attorney General's office between 1999 and 2006. However, the Attorney General refused to investigate those allegations further. In its September 2010 decision, the administrative court found that allegations that Sjafoeddin bore responsibility for serious human rights abuses had no bearing on the legality of his appointment to the position of deputy defense minister and rejected the activists' petition, demonstrating that even repeated calls for investigation by Indonesia's National Human Rights Commission are no impediment to career advancement for members of the security forces accused of serious human rights abuses.
- In an incident in Papua last week, Brimob officers shot and killed one man and critically injured a woman after the officers were hit with stones and an arrow by a mob. The mob was objecting to what they thought was an attempt by a man who caused a traffic accident to seek refuge in a police station. While the police have questioned some Brimob officers about the incident, they have not expressed an interest in interviewing other witnesses, yet have tentatively concluded that excessive force was not used.

That these problems persist tarnishes the progress Indonesia has made in other areas, and challenges characterizations of Indonesia—particularly those being offered up by the US government—that the country has fundamentally transformed. In order for the Indonesian government to make progress in military accountability commensurate with progress in other realms, it should make the following reforms with respect to Papua:

- Immediately and unconditionally release all persons detained in our July 2010 report and all others held for peaceful expression of their political views. Amnesty International and Human Rights Watch have jointly developed a list of 38 prisoners in Papua and 69 on the Moluccas Islands; that list is included below. To the extent that any such individuals are also alleged to have engaged in acts of violence or illegal trespass, they should be given a new trial in accordance with international standards and credited with time served.
- Amend or repeal all articles of the Indonesian Criminal Code that have been used to imprison individuals for their legitimate peaceful activities, including articles 106 and 110 of the Criminal Code on "rebellion," to bring Indonesian criminal law into conformity with international standards. As currently written, the law allows for prosecution of those engaged in peaceful advocacy of independence.
- Revoke article 6 of Government Regulation No. 77/2007, which prohibits the display of separatist logos or flags, or bring it into compliance with international human rights standards and the Indonesian constitution.
- Promptly respond to credible reports of torture in custody by conducting thorough and impartial investigations and hold legally accountable all those responsible, and revise rules and practices at jails and prisons to ensure compliance by all security forces with the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the United Nations Standard Minimum Rules for the Treatment of Prisoners.
- Remove arbitrary restrictions on access to all regions of Papua by journalists and humanitarian and human rights workers, including the International Committee of the Red Cross, established by the Indonesian government since it officially took over Papua from UN supervision in 1969.

With respect to broader problems with military accountability, the Indonesian government should:

- Permanently discharge personnel convicted of serious human rights abuses;

- Adopt transparent measures to ensure credible, impartial, and timely investigations into all future allegations of human rights abuse;
- Enact legislation allowing civilian courts to investigate and prosecute crimes committed by military personnel against civilians;
- Establish an ad hoc tribunal to investigate the enforced disappearance of student activists in 1997-98, as Indonesia's House of Representatives recommended in September 2009
- Launch renewed investigations into other serious human rights abuses in which security services have been implicated, such as the 2004 murder of Indonesian human rights activist Munir bin Said Thalib;
- Make genuine progress in withdrawing the military from commercial activities; profit-making by the military creates a conflict of interest and also gives the armed forces an independent source of income outside the approved budget process.

Finally, the US should:

- Recondition assistance to the Indonesian military and police on strict standards of accountability for current and past abuses;
- Push for amendment or repeal of Indonesian laws that allow for the imprisonment of individuals for peaceful political expression;
- Push for the passage of Indonesian laws that shift prosecution of soldiers who have abused civilians into civilian courts.

Only when such steps have been taken can we consider credible the July 2010 comments of Armed Forces (TNI) Chief Gen. Djoko Santoso: "As far as the TNI is concerned, the issue of past human rights violations is over."

APPENDIX 1 – PRISONERS OF CONSCIENCE/ PEACEFUL POLITICAL ACTIVISTS
– MALUKU

NO	NAME	DATE OF ARREST	CHARGE (Indonesia n Criminal Code/ KUHP)	SENTENCE PERIOD
KEMBANG KUNING PRISON, NUSA KAMBANGAN ISLAND				
1	Abner Likamahuputti	2 July 2007	106, 110	10 years
2	Jordan Saiya (cakalele dancer)	29 June 2007	106, 110	17 years
3	Yohanis Saiya (cakalele dancer)	29 June 2007	106, 110	17 years
4	Romanus Batseran	21 June 2007	106, 110	17 years
5	John Markus	25 April 2007	106, 110	17 years
6	Ruben Saiya (cakalele dancer)	29 June 2007	106, 110	20 years
PERMISAN PRISON, NUSA KAMBANGAN ISLAND				
7	Melkianus Sinay (cakalele dancer)	2 July 2007	106, 110	7 years
8	Mercy Riry (cakalele dancer)	29 June 2007	106, 110	7 years
9	Aleks Malawauw	29 June 2007	106, 110	7 years
10	Flip Malawauw	29 June 2007	106, 110	7 years
11	Samuel Leshussa	25 July 2007	106, 110	8 years
12	Piter Ella Saiya (cakalele dancer)	29 June 2007	106, 110	9 years
LOWOKWARU PRISON, MALANG, JAVA				
13	Leonard Hendriks (cakalele dancer)	8 July 2007	106, 110	10 years
14	Yunus Mario Lilioly	16 July 2007	106, 110	10 years
15	Jhon Syaranemual	1 August 2007	106, 110	10 years
16	Ferjon Saiya (cakalele dancer)	29 June 2007	106, 110	12 years
17	Jhony Sinay (cakalele dancer)	29 June 2007	106, 110	15 years
18	Johan Teterisa (cakalele dancer)	29 June 2007	106, 110	Sentenced to life, reduced to 15 years on appeal. He's currently appealing the decision in the Supreme Court
PORONG PRISON, SURABAYA, JAVA				
19	Marthen Saiya (cakalele dancer)	29 June 2007	106, 110	10 years
20	Yosias Sinay (cakalele dancer)	29 June 2007	106, 110	12 years
21	Marlon Pattiwael	4 September 2007	106, 110	12 years
22	Abraham Saiya (cakalele dancer)	29 June 2007	106, 110	15 years
23	Pieter Yohanes (cakalele dancer)	29 June 2007	106, 110	15 years
24	Jonathan Riry	29 June 2007	106, 110	15 years

25	Frody Akihary (cakalele dancer)	29 June 2007	106, 110	15 years
KEDUNG PANE PRISON, SEMARANG, JAVA				
26	Arens Arnold Saiya (watching the dance)	29 June 2007	106, 110	8 years
27	Melkianus Syaranamual	18 July 2008	106, 110	8 years
28	Ferdinand Arnold Rajawane (cakalele dancer)	29 June 2007	106, 110	10 years
29	Sony Boln Sera	7 August 2007	106, 110	10 years
30	Petrus Rahayaan	1 July 2007	106, 110	12 years
31	Pieter Saiya	29 June 2007	106, 55, 56	12 years
KEDIRI PRISON, JAVA				
32	Izak Saimina	13 October 2007	106, 110	6 years
33	Stevi Saiya	29 June 2007	106, 110	7 years
34	Novis Adolph	13 October 2007	106, 110	6 years
35	Yesayas Karmite	15 August 2007	106, 110	9 years
36	Venly Sapulele	16 August 2007	106, 110	11 years
37	Reimond Tuapattihaya	2 July 2007	106, 110	7 years
AMBON PRISON IN NANIA, AMBON ISLAND				
38	Buce Nahumury (cakalele dancer)	22 June 2008	106, 110	4 years
39	Simon Saiya	10 January 2008	106, 110	6 years
40	Barce Manuputty	29 June 2007	106, 110	6 years
41	Ferdinand Waas (retired Army captain)	29 June 2007	106, 110	10 years
42	Reinold Ngarbingan	28 August 2007	106, 110	6 years
43	Muladi Taihulu	1 September 2007	106, 110	6 years
44	Ferdinand Noya	13 October 2007	106, 110	6 years
45	Johanis Sipolo	13 October 2007	106, 110	7 years
46	Piere Pattisina	11 August 2007	106, 110	7 years
47	Pieter Latumahina	14 July 2007	106, 110	8 years
48	Dominggus Salamea	26 October 2007	106, 110	8 years
49	Denny de Fretes	13 October 2007	106, 110	8 years
50	Mathels Wattimury	15 August 2007	106, 110	9 years
51	Yohanis Supusepa	16 August 2007	106, 110	9 years
52	Benny Itahena	14 August 2007	106, 110	9 years
53	Semuel Hendriks (cakalele dancer)	29 June 2007	106, 110	10 years
54	Jacob Supusepa	29 July 2007	106, 110	10 years
55	Ella Sincy	29 June 2007	106, 110	10 years
56	Alexander Tanate	29 July 2007	106, 110	10 years
57	Alberth Usmany	27 July 2007	106, 110	10 years
58	Jahan Saiya (cakalele dancer)	29 June 2007	106, 110	12 years
59	Yefla Saiya	29 June 2007	106, 110	12 years
60	Daniel Akihary	1 July 2007	106, 110	12 years
61	Jusuf Sapakoly	29 June 2007	106, 110	12 years
62	Erwin Maruanaya	29 June 2007	106, 110	12 years

63	Danot Malawau	21 June 2007	106, 110	15 years
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	PRISONERS ON PAROLE	DATE RELEASED	CHARGE	NOTE
64	Moses Tuwanakotla	December 2009	106, 110	On Parole from Madiun prison, Java

	PRISONERS RELEASED AND APPEALS ARE PENDING	DATE RELEASED	CHARGE	NOTE
65	Semuel Waileruny	21 April 200130 March 2005 (five years [oil term] 7 May 20051 April 2006 (3.5 years)	106, 110	Appeal Pending ("bebas demi hukum")
66	Mrs. Christin Kakisina	2 May 200410 December 2004 (two years)	106, 110	Appeal Pending
67	Marthin Telussa	24 April 20089 January 2009 (five years)	106, 110	Appeal Pending
68	Mrs. Eyne Telussa/Sihaya	24 April 20089 January 2009 (five years)	106, 110	Appeal Pending
69	Mikael Pattisinay	12 June 200823 March 2009 (seven years)	106, 110	Appeal Pending

APPENDIX 2 – PRISONERS OF CONSCIENCE/ PEACEFUL POLITICAL ACTIVISTS
– PAPUA

NO	NAME	DATE OF ARREST	CHARGE (Indonesia n Criminal Code/ KUHP)	SENTENCE PERIOD
ABEPURA PRISON, JAYAPURA, PAPUA				
1	Buchtar Tabuni	3 December 2008	160 (inciting hatred)	3 years
2	Aris Mandowen	16 March 2006	214	5 years
3	Filep Jacob Samuel Karma	1 December 2004	106, 110	15 years
4	Ferdinand Pakage	16 March 2006	214	15 years
5	Luis Gedy	16 March 2006	214	15 years
6	Victor Yelmo	22 October 2009	160	1 year
NABIRE PRISON, PAPUA				
7	Linus Hiel Hiluka	27 May 2003	106, 110, 154	20 years
8	Kirnanus Wenda	12 April 2003	106, 110	20 years
FAKFAK PRISON, FAKFAK, PAPUA				
9	Simon Tuturop	19 July 2008	106, 107, 110	4 years
10	Tadeus Weripang	19 July 2008	106, 107, 110	4 years
11	Viktor Tuturop	19 July 2008	106, 107, 110	4 years
12	Benediktus Tuturop	19 July 2008	106, 107, 110	4 years
13	Tomas Nimbikendik	19 July 2008	106, 107, 110	4 years
14	Teles Plahar	19 July 2008	106, 107, 110	4 years
TIMIKA PRISON, PAPUA				
15	Sumien Magai	1 December 2007	106	5 years
16	Melki Magai	1 December 2007	106	5 years
17	Polce Magai	1 December 2007	106	5 years
MANOKWARI PRISON, PAPUA				
18	Roni Ruben Iba	1 January 2009	106, 110	3 years
19	Isak Iba	1 January 2009	106, 110	2 years
20	Piter Iba	1 January 2009	106, 110	2 years
DETAINEES CURRENTLY ON TRIAL		ARREST	CHARGE	NOTES

21	Samuel Yaru alias Sem Yaru	16 November 2009	106, 110, 160	On trial in Abepura, detained in Abepura now
22	Luther Wrait	16 November 2009	106, 110, 160	On trial in Abepura, detained in Abepura now

	PRISONERS ON PROBATION	ARREST	CHARGE	NOTES
23	Chosmos Yudi	27 September 2007	55, 160	On probation after completing 6 years of sentence
24	Maiias Dimara	16 March 2006	55, 160	On probation after completing 5 years of sentence
25	Selfius Bobil	16 March 2006	55, 160	On probation after completing 6 years of sentence
26	Elias Tamaka	16 March 2006	55, 160	On probation after completing 5 years of sentence
27	Nelson Rumbiak	16 March 2006	55, 160	On probation after completing 6 years of sentence
28	Ricky Jilmau	16 March 2006	55, 160	On probation after completing 5 years of sentence
29	Patris Aronggear	16 March 2006	55, 160	On probation after completing 5 years of sentence

	PRISONERS RELEASED AND APPEALS ARE PENDING	DATE OF ARREST	CHARGE	NOTES
30	Sebby Sambom	17 December 2009	106, 110, 160	Appeals pending in the Supreme Court
31	Musa Tabuni	3 April 2009	106, 110, 160	Appeals pending in the Supreme Court
32	Serafin Diaz (East Timorese)	3 April 2009	106, 110, 160	Appeals pending in the Supreme Court
33	Yance Mole	3 April 2009	106, 110, 160	Appeals pending in the Supreme Court
34	Seplinus Kumere (farmer in Biak, raising flag)	1 December 2009	106	Appeals pending in the Supreme Court

35	Nataniet Runggamusi	3 July 2009	55, 106,	Appeal pending
			108	("bebas demi hukum")
36	Yance Mambuai	4 July 2009	55, 106, 108	Appeal pending ("bebas demi hukum")
37	Jeret Ronawery	6 July 2009	55, 106, 108	Appeal pending ("bebas demi hukum")
38	Yusuf Aninam	6 July 2009	55, 106, 108	Appeal pending

Mr. FALEOMAVAEGA. This has been a long afternoon, ladies and gentlemen, and it has not been very easy. I sense that there seems to be a difference of opinion about the current status of Papua and its relationship to Indonesia.

Mr. Mote, you indicated that you feel that special autonomy status has failed. And I hear from Mr. Messet that he feels that special autonomy should still be on the books, or on the table, and that every effort should be made with the Indonesian Government to continue the process.

So I would like to ask Mr. Mote, since you said that special autonomy has failed, what do you propose in place of that?

Mr. MOTE. Thank you, Mr. Chairman.

The conclusion that the special autonomy has failed is really based not just people's experience as Papua People's Council or Papua Consultative Council, but this is based on a review that the Cenderawasih University has conducted. And President Yudhoyono just stated that he will reevaluate it.

But the problem is, it is simple. On one hand, the President is promising and promising; but on the other hand, at the same time, the law, the military is conducting their nightmares to the Papuans. And the People Assembly, for instance—

Mr. FALEOMAVAEGA. No, Mr. Mote, my question is—you have made the statement that special autonomy has failed. What do you propose in exchange for that?

Mr. MOTE. Oh, thank you, Mr. Chairman. My proposal, wishes in line with the people of Papua, they call for a dialogue, and the dialogue that they are calling for is the dialogue that is facilitated by a third party.

Mr. FALEOMAVAEGA. Mr. Messet, as you know, months ago when I was in Jakarta, we had a very, very—what I thought was a very meaningful meeting, especially with one of the senior elders, Mr. Nicholas Jouwe. I am sure that all of you have had communications in your relationship with Mr. Jouwe. What is your assessment of the situation among the leaders? Because I am getting mixed signals here now. I mean, do you honestly believe that President SBY is making every effort to implement the provisions of special autonomy?

Mr. MESSET. Chairman, President SBY is a very honest man, I can tell you now. We have met in Jakarta on the second of April of this year. A lengthy discussion has been mostly about developments in Papua, how Americans involve themselves, how the American authority can ask the Indonesian Government about the special autonomy. That is why the three recommendations that I made here is for your Congress to consider and the United States administration to consider.

Special autonomy doesn't work, because we, the Papuans, we ourselves, have to reclaim ourselves, not Jakarta. Our leaders from the Governor, lord mayors, they are the one that you see. The money doesn't—they don't go down to the grassroots. When there are injections of, tomorrow will be independence, that is why everyone wants to say, oh, yeah, tomorrow if we get independence, we will be better than living with Indonesia. But if tomorrow we get independence——

Mr. FALEOMAVAEGA. Is your mic on? Something is wrong with the PA system here. Even my mic is not on.

Mr. MESSET. Mr. Chairman, I think dialogue can be done to revise what autonomy has failed in Papua so we Papuans can talk with the central government about what we want, because autonomy, special autonomy, is a new thing to Indonesia. It is a new thing to implement only in Papua, Chairman. So this means, trouble with this is how to run it. An enormous amount of money has been given to the indigenous Papuans—not me, Mr. Chairman.

Mr. KIRKSEY. If I might jump in, Mr. Chairman.

Mr. FALEOMAVAEGA. I want to ask Yumame, because you have also expressed a similar concern that you feel this autonomy has failed, what is your option? If you feel that special autonomy has failed, what do you suggest that the Papuan people do?

Mr. YUMAME. Thank you.

Most of Papuan people, we cannot believe in the missing government anymore. They say what you—like good saying, but they have done contrary.

Mr. FALEOMAVAEGA. No. My question, Yumame, is what do you propose?

Mr. YUMAME. Yes. I propose as many Papuan people want. They want ask to determine ourselves. We still stay in Indonesia, or we make our own state. All the Papuan people live like that, so they see there is no hope in special autonomy. They want to—any other solution, give the chance to Papuan, their choice, which kind of government they want. They want to stay in Indonesia, they won't make the step. For example, unity with the United States.

Mr. FALEOMAVAEGA. Dr. Kirksey?

Mr. KIRKSEY. Sir, I know that Mr. Yumame has submitted some remarkable documents for the record, basically a signed statement by very senior leadership reflecting the outcome of a Congress that involved thousands and thousands of people. It was a unanimous consultation. I think there were two dissensions, but everyone said special autonomy has failed. I think the reason——

Mr. FALEOMAVAEGA. I want to follow up on what you just said. Was there a summit?

Mr. KIRKSEY. Yes.

Mr. FALEOMAVAEGA. Was there a meeting of all the top leaders among the Papuan people?

Mr. KIRKSEY. Yes. There was a very large summit.

Mr. FALEOMAVAEGA. When was this done?

Mr. KIRKSEY. This was in July of this year.

Mr. FALEOMAVAEGA. 2 months ago?

Mr. KIRKSEY. Yes. What is really significant about that summit is that a lot of the drafters of the legislation were the participants. So the very people who wrote this law are saying, "This is no longer working. We need to do something new."

One of the flaws in the legislation as it was passed by the Indonesian Government is that it rejected some earlier provisions to put the Indonesian military under the control of local and regional civilian elected leaders. Right now there is still this shadow power structure. The Indonesian military and police operate with complete impunity. They are off civilian budgets.

Mr. FALEOMAVAEGA. Well, that is how Suharto had been operating for some 30 years, with a shadow military presence and all the different councils. Not just in West Papua, but it was also true throughout Indonesia.

Mr. KIRKSEY. Exactly.

Mr. FALEOMAVAEGA. So there is nothing new in that respect. The bottom line basically is to make sure that he has control of the situation.

Mr. KIRKSEY. Exactly.

Mr. FALEOMAVAEGA. So this summit that was held in July concluded that the special autonomy is no longer viable? Now what do you propose?

Mr. KIRKSEY. Actually in those documents there is a series of recommendations that that summit made, and I don't know if you have those at hand now, but they are in the record. There is a series of recommendations.

Mr. FALEOMAVAEGA. Well, what are they? Give us two or three of the most important recommendations.

Mr. YUMAME. Yes. We have 11 recommendations. Firstly, we reject the continuation of special autonomy law because we think that it will destroy our dignity and extinctions our Papuan people in our homeland.

Mr. FALEOMAVAEGA. What does Governor Suebu say about that?

Mr. YUMAME. We have invited him. He attended our meeting, the Papua people meeting.

Mr. FALEOMAVAEGA. What about the other Governor?

Mr. YUMAME. We have given our decision to the Suebu government, to the People Representative Assembly, to the SBY government. Now they are thinking about it, and they think they want to give evaluation to the special autonomy. They want to—the use of the autonomy has been use for good things or not.

Mr. FALEOMAVAEGA. Let me ask you this. It is my understanding that Governor Suebu and the other Governor are the two highest elected officials among the Papuan people. Now, how much credence is given to these two elected Governors in terms of their relationship as elected officials of the Papuan people?

Mr. YUMAME. Okay. Now we all—most Papuan people, we don't believe about the government, because we see they leave us under

the Indonesian operation system that did not give them the chance to formulate strategy for development Papuan people. Those best on Papuan—

Mr. FALEOMAVAEGA. I am being the devil's advocate here. These two gentlemen were elected by the Papuan people. And, of course, as you know, in a democracy, if you feel that these gentlemen are not doing the will of the people, isn't there a process among the two provinces to recall or make an effort to get rid of them if they are not doing properly their leadership role in being the two highest elected officials among the Papuans?

Mr. YUMAME. Maybe I going to tell you that election system in Indonesia is not—our choice with our hat. Now they are bravely to the people, so we have to choice the men that can give more money, not they—

Mr. FALEOMAVAEGA. Well, you know, I am sure that Governor Suebu—who is the other Governor?

Mr. RUMBEWAS. Abraham Atururi.

Mr. FALEOMAVAEGA. This is critical because we need to understand this a little better, because in understanding that these are the two highest elected officials among the Papuan people, that was the will of the people being expressed. Now are you saying that you don't want special autonomy, that these two elected officials don't represent your interests anymore? Well, then how does this work within your provincial governments if these two need to be recalled by way of having an election to get rid of them, if that is what you wish?

Mr. Rumbewas.

Mr. RUMBEWAS. Right. Mr. Chairman, I know Mr. Abraham Atururi. I used to be an interpreter for him. But he is a former general from the army, from the navy. He is one of the leading Papuans, including—they have very good records of working together with Indonesian Government to invade East Timor.

So basically, yes, we would like to have our own leaders, our Melanesian leaders, to lead us, but they are just remote controllers. They are controlled by the Indonesian central government.

I just visited recently the province of Aceh. But the good thing I noticed in Aceh and also in New Caledonia, you mentioned this morning about Mr. Chubau. I wish if the Indonesian Government could give us a chance, as a matter of fact, on the decision of 14, we are not allowed to have a full, although we are only some kind of—some symbolic leadership. We are refused to do that.

Mr. FALEOMAVAEGA. Don't bring East Timor into this situation. I don't think it is fair to Mr. Numberi. I know Mr. Numberi. He is a member of the President's cabinet, highly respected, and he has his own point of view, and was former Governor of West Papua. And as I recall, one of the big problems that we have in Papua is the corruption, even among the Papuan leaders and members.

So I just want to kind of make sure that the record is clear. What I wanted to just get from you is whether you are saying that you have serious problems with special autonomy that I have always advocated and I have always believed in. Because that was the consensus that I got from the Papuan people and leaders—that they want to continue working to implement special autonomy. And

I feel that if these basic essential elements are within the implementation of special autonomy, your civil rights, being treated fairly, the military not harassing you, or Kopassus or whatever, that you have an opportunity to make your own decisions. And one of them—and correct me if I am wrong—is the fact that you have elected your own Governors. They are not selected by Jakarta. It was by vote of the Papuan people that Governors Suebu and Atururi were duly elected as officials of the two provinces. Now, if you feel that that is now highly questionable in terms of their leadership, then it is up to the Papuan people themselves who are going to have to do that, not Jakarta.

Mr. MOTE.

Mr. MOTE. Thank you, Mr. Chairman. The problem with the two Governors is that, in one hand, they are representatives of Jakarta, and then also they are representative of West Papuans people who elect them. I have two personal stories about the Governor Suebu, where he trying to defend his people and many time he get a threat. He was even—cannot leave country because he was about to put in a travel ban. That happened just right after he was—come back from Mexico as Ambassador. And he try, Mr. Chairman, try to defend his people. But Jakarta, they didn't listen to him what he trying to defend. So in front of our people of West Papua, he seems like a powerless Governor because he cannot fight on behalf of them. And one other example, Mr. Chairman, which has just happened this month. There is a project in Merauke, it is called MIFEE project. It was proposed by—

Mr. FALEOMAVAEGA. Mr. Mote, I don't want to interrupt you, but I am not here to point the finger or pass judgment on Mr. Suebu's capacity or whatever may have been his conduct. As I have said, this is really a local issue among the Papuans themselves and I don't want to suggest that we are here to put out dirty laundry, all the bad things about your own leaders that you elected.

Mr. MOTE. Mr. Chairman—

Mr. FALEOMAVAEGA. Wait, wait. I am not through yet. So I just want to make sure that, in fairness to your elected leaders, you understand that this is very, very important and elementary in American democracy. You elect someone, even if he is a son of whom-ever. But he is the elected person. And there is a recourse and a process so that if he is not worthy of that position or that office, then that is something that the Papuan people themselves are going to have to work within the system to find someone else to be your Governor. I think we are moving astray from the line of questioning that I have. If not, special autonomy, then what—

Mr. KIRKSEY. If I might, a lot of the assertions about democracy in Indonesia from the State Department earlier this afternoon were sort of uncritically, just sort of left there hanging in the air. The current situation for elections must be seen within this longer history. During the Suharto era, every couple of years, or every 4 years you would have this grand democracy celebration, where the President staged these rituals, that you know there really weren't any other candidates. It was just him, you know, getting selected again and again and again and again. There definitely has been—

Mr. FALEOMAVAEGA. Dr. Kirksey, I don't mean to interrupt you, but President SBY was among one or two or three candidates for the presidency, so you can't say that he was the only candidate during the election process.

Mr. KIRKSEY. Exactly. There has definitely been improvement since 1998 when a popular democracy movement in Indonesia kicked Suharto out of office. But on a local and regional level, there are still all sorts of shenanigans that go on during election time. Ballot boxes are stuffed.

Mr. FALEOMAVAEGA. How about our own shenanigans in our own election process here in America?

Mr. KIRKSEY. So the candidates that are elected are constrained by political parties that are centered in Jakarta. It is not as transparent and representative as it is here.

Mr. FALEOMAVAEGA. Well, I question even our own sense of transparency when we had to have nine justices at the Supreme Court to determine who our next President is going to be. That is not very democratic. I mean, come on. But I am very concerned, as I have always said from the very beginning when I met with the delegations of our friends from Papua, how important it is that there be a sense of direction and sentiments and consensus coming from the Papuan people as to their desires and their aspirations. We talk about reconciliation. We talk about all these things. I think we all agree on that. Now, there are difficulties, as Mr. Messet had said. There is no denial that the human rights abuses and all these things continue to go on. But at the same time, I am wanting to know from you, give me a better proposal or a better plan or other options. I know we have proposed that we have a dialogue with the best minds, both among the Indonesians and the Papuans, to have a dialogue with Jakarta or the SBY administration.

Now, that hasn't come about and there are some serious questions. And as you all know, one of the most serious concerns in Jakarta is that once you start talking about independence, then all bets are off. There is just no way that the Indonesian Government is going to grant independence. That is as best as I can assess the situation for the 15 years that I have been following this and we have known that Indonesia is very determined to see that Papua continues to be under the umbrella or the sovereignty of Indonesia. But I think the challenge for us is, with that being the reality, what are some of the suggestions that you might have on how we can move Indonesia to another phase of the ongoing process so that the Papuan people's rights are respected, human rights and all of this? I think that is where we are, where the rubber meets the road in terms of the difficulties that we have. And that has been my frustration too.

And Mr. Messet, I want to assure you that the last thing I ever want to do, or even this institution, Congress, is to tell your people what to do. Not the least ever, ever that we would entertain the thought that we would want to do this to your people or even to the Indonesian Government. But the whole basis of what we are trying to pursue here, give us a line, give us a dialogue. Give us an area or things that you feel are constructive in the process. And I suppose then, with a sense of confidence, that President SBY will

say, Okay, let's do something to be more helpful in making sure that the rights of the Papuan people are preserved or enhanced and that the military, TNI's presence, will be controlled, and just have a good mutual relationship between Jakarta and the people of Papua. If that is not your goal, or your sense of the future, then tell me what other options there are.

Mr. MESSET. Mr. Chairman, thank you. I apologize for making that remark, but I certainly hope that Papuans will decide the best for themselves within the Republic of Indonesia. And special autonomy should be revised and work properly to empower the Papuan people.

Mr. FALEOMAVAEGA. Well, Mr. Messet, as I have said, as part of my frustration, it has been 9 years now since we have been talking about special autonomy. And my friends, or our friends in Indonesia and Jakarta have not produced or shown any sense of planning, how to go about implementing the provisions of special autonomy. Correct me if I am wrong, but that has been my observation for the past 9 years.

Mr. MESSET. I totally agree with you, chairman. Special autonomy is not only run by the Papuans in Papua but also from Jakarta. It has been decided that you hold the tail and leave the head goes around, but you control the tail. So if the special autonomy is totally given to the Papuans, I believe and I trust Papuan can look out for himself and they will be very happy to remain part of Indonesia until the end of the world.

Mr. FALEOMAVAEGA. And I believe, in response to your comment, I think that is the challenge of our Papuan people and leaders—to show Jakarta that you do have the capacity and the capabilities and the wherewithal to be autonomous and not cause a revolution or something to that effect. I think that is really where we are at as far as the issue is concerned. Let me ask you this: Some of you may express concern about the Congress expressing an interest about West Papua. I believe there are other countries whose leaders have also expressed concern. I believe members of the British Parliament have also expressed concern on this, though not very many. Not very many. And I will be your friend and be frank with you. West Papua is not even on the radar screen as far as Washington is concerned. I just want to be realistic. We are not at the forefront of establishing or saying that this is part of our national conscience, national policy, in dealing with Indonesia and the reality of how we go about dealing with the Papuan people. But it doesn't mean that we ought to just stop there. But we have—the process has to start somewhere. And it is my sincere hope that this hearing will be part of that process. Again, I want to ask the question of Mr. Jouwe. What is Mr. Jouwe's position on this whole matter of special autonomy?

Mr. MESSET. Mr. Jouwe is now attached to the foundation and he is now living in Jakarta.

Mr. FALEOMAVAEGA. I know. But what is his outlook in the long term for Papua's future? You know, if I am understanding, he is the founder of OPM, certainly one of the elder statesmen and leaders of the Papuan people. And I sense he is very, very highly respected among the Papuan leaders and the people. And I just want

to ask a question. What is his sense of vision for the Papuan people?

Mr. MESSET. His vision is that special autonomy is the only solution for the Papuans, chairman.

Mr. FALEOMAVAEGA. Mr. Mote, and after that, Dr. Drooglever.

Mr. MOTE. When he arrived in Jakarta, he said that he will. He wanted to see if Government of Indonesia is really protecting Papuans rights so that they can live freely. My question, really back to Mr. Jouwe, if he is planning to live in West Papua, why now then he lives in Jayapura? There something is wrong. About the special autonomy, really the problem is, I really——

Mr. FALEOMAVAEGA. Mr. Mote, I am not defending Mr. Jouwe, but I can think of several reasons. Maybe he has a health condition or maybe he is unable to live in Janipura simply because of health reasons and not because he doesn't want to live in West Papua. I make that assumption, but please don't raise questions of that nature in fairness to Mr. Jouwe and his reasons for staying in Jakarta rather than living in West Papua. I think the gentleman, certainly in my sense when I met with the gentleman, has a sense of respect among the Papuan people and their leaders. I just wanted to——

Mr. MESSET. Thank you very much, Chairman. I highly appreciated your concern about Mr. Jouwe. Thank you.

Mr. FALEOMAVAEGA. Dr. Drooglever.

Mr. DROOGLEVER. Mr. Chairman, actually I was not wishing to interfere. It was just a token of concern for what was said here. But now I am speaking. As a historian, I am living in the past so I have got the right to talk about the present. But when you look through what has happened with the——

Mr. FALEOMAVAEGA. Let me add this, Dr. Drooglever. I think it was the famous poet philosopher Santayana who said those who don't remember the past are condemned to repeat it. Maybe take off from that point.

Mr. DROOGLEVER. When you are looking back into the past, the recent past then you see that as soon as special autonomy was the thing of the future, then a couple of times revisions have been proposed. And then in all new proposals that are formulated, the last point, at the end of the revision, was the right of self determination. So I think the problem indeed for Papua society is that it cannot make a choice between autonomy and self determination. They want to have both, and I think that is the core of the problem.

Mr. FALEOMAVAEGA. Comments to that, gentlemen?

Mr. YUMAME. I want to remind you that most of Papua, when they follow the Papuan people called us on June, they have decided. Papua must be given the chance to give their voice to give their choice. They will see that under the division government we have been manipulated with many policies. So the root of the problem, as I have said to you that many Papuans still think that our political status is questionable.

So in the special autonomy without the commitment, not as we don't believe. What kind of special autonomy will give us? So the people of Papua want give us chance to choose. We want to stay in Indonesia. We want to make our own, or we want the United States for example. Let us the voice of all the people most of the

people in Papua, maybe some of us come, represent the voice of some early, some bureaucratic that now they have benefit of their position. I want to remind you that I have said to you that we don't believe anymore. We don't believe. Suebu when he was—try to campaign for the position, he give promise that he will take the Papuan people to freedom.

And he made promise like that. So all the people, all the Papuan people, chose him as the Governor. But when he sits as the Governor he forgot his freedom. He doesn't fight for that. He just only gives promises, promises, promises. Well, many Papuan people have died. Some things like, this thing the political system, the political party system not good to part in that. So as you have said to us, Why you elect Suebu? Why you have him in the election? Because the system not based on pure democratic, many begin, dominated the political party so they choose the Governor that can protect their interests. So our Papua, if I, for example, have good idea for protect Papuan people, but if there is no political party, choose me as the candidate.

Mr. FALEOMAVAEGA. Okay. So I gather that now there seems to be consensus among the Papuan leaders to get rid of Governor Suebu.

Mr. YUMAME. Yes.

Mr. FALEOMAVAEGA. All right. Then who do you want to be in his place? What options do you propose if you want to get rid of Governor Suebu, get rid of Governor Abraham? Where do you go from there? Mr. Mote.

Mr. MOTE. Mr. Congressman, I think it is not fair we get our Governor. I tried to explain was that he try, as a Governor try to defend his own people. I agree with—Mr. Messet said that you give some things, but you control from the Jakarta. That is, whoever will be Governor with that condition, no one, no one can really lead our people.

The demand from West Papuans people because of the—in one hand you let these radical group running their dirty work in West Papua, on the other one, let that others, you know kind of try to explain that they want to do something, and in that kind of a condition, whoever Governor would be in West Papua would not be able to lead.

So we are here, and what we are trying to say is that the trust through the Governor is not personal because of his ability. Because no one be able to control, even U.S. Government, on human rights issue, the powerful government here cannot talk with Indonesian Government. Really, the problem in West Papua is we have lost our dignity. We know we will being steal from our land. We are just 2 million people in 250 million Indonesian population. So I think we need to, as I was trying to explain, one of example about the MIFEE Project, he reject that project, but Jakarta said no we will go ahead and he wasn't even invite by Governor, Indonesian Minister of Forestry when the project was allowed. This had just happened. So what they want is someone, someone West Papuans like a puppet who can just follow. And Congressman, I assure you, Suebu is a great leader.

Mr. FALEOMAVAEGA. Let me share with you something. We probably have 56 elected Governors from the different States and terri-

tories in America. And these Governors have the same problems with the Federal Government, almost like Washington has been the biggest problem as well. So what I am saying is that I don't think your situation, your problem is any different from the problems that we are facing here as elected officials in Washington. A lot of times they are in conflict with the wishes of the people from different states who elect their Governors, okay?

So I just wanted to share that bit of information about, when you elect your people, whatever Jakarta's opinion is about whom you elect, the fact is that your people elected these two officials, not Jakarta and not anybody. I don't think Jakarta put any pressure on you to elect Governor Suebu to begin with. So whatever deficiencies or problems that you feel that Dr. Suebu—that he doesn't represent your interests—we have the same problems with our State Governors. And there are complaints that some of our State Governors don't represent the interests of their States, especially in dealing with the Federal Government.

So I just want to kind of cushion that idea is that you elect your Governor. They have got a lot of serious problems. Their leadership may be weak in various areas. And so it is true with all others. But the whole idea, and I want to ask you were these two gentlemen elected by the people? They were not selected by Jakarta, am I correct or wrong on this?

Mr. MESSET. That is right, Congressman.

Mr. FALEOMAVAEGA. Mr. Messet?

Mr. MESSET. I think I said that is correct. Next year there will be another election, and hopefully the Papuan people will decide who is the next Governor for Papua and West Papua provinces. And this time, as you said, don't blame the leaders, but ask the people to answer.

Mr. FALEOMAVAEGA. In our democracy, once the people make their will known through the ballot box and you are elected, you are very dear and close to the hearts of the people because the people's will has been expressed about you and you represent the people. Now, if they are not doing their job, we vote them out. It is as simple as that. And I suspect that come next year, when Governor Suebu and Abraham are up for reelection, you will then have an opportunity to say you want to get rid of these two leaders and choose somebody else.

But I think when you generalize by saying that it is Jakarta that puts the pressure on you, when, in fact, Jakarta was never involved in your election process. This is what I really want to emphasize. You elected these two officials, not Jakarta. And whatever problems that you are having with them now, in next year's election, then it is your wish to elect someone else. I mean, that is what the representation and democracy is all about. And unless, if I understand it differently, how and why people are elected, you know, for us, come 2 months from now, all 441 Members of Congress are going to be up for re-election. Every 2 years the entire House of Representatives has to stand for re-election. So why? So that the will of the people will be made known in the process.

Now, again, you have to understand all your culture, all your traditions. But when it comes to the point where you now have the privilege of electing these two officials, the highest ranking officials

among the Papuan people, that is very, very serious for how Members of Congress, my colleagues and people here in America perceive how your democracy has evolved. The fact is that your people are now given the privilege of electing your own Governors rather than them being selected by Jakarta. Okay, are we in the, understand that.

Mr. RUMBEWAS. Mr. Chairman, I am not sure whether you are familiar with the recent situation where more than 10,000 people walking down through the Parliament to the West for a referendum. One of the decision, which is still part of the Indonesian system, which is Decision 14, the Papuans, as Mr. Messet mentioned, would like to have a full voice and determine of whether the Governor of the district full Black Melanesian people. There is a fear. There is a fear from the Indonesian Government to reject that policy. And at the moment they expect not a full Black Melanesians, but we also have vice where they are Indonesians.

Now, as I mentioned to you, that I travel to Aceh and I see the Acehnese, they are Indonesian citizens like us according to the Indonesian Constitution, but they are free to appoint or elect their own native Acehnese and plus international community allow that to happen. Now, if as Mr. Messet mentioned, if Acehnese are Indonesians and we are Indonesians too, we have the right to support by the international communities to elect our own leaders like Aceh. And we have the discrimination. So people like Mr. Suebu and the Governor of Ataruli are basically people, the leaders who are making promises like Mr. Yumame mentioned.

During the campaign, Mr. Suebu promised some people that when he stands up, he will talk about independence. But after he looks after his own tribe and his family, this is the whole issue.

Mr. FALDOMAVAEGA. Mr. Rumbewas, a lot of times politicians make promises. Okay? If you want to get reelected or elected, you make promises. And a lot of times there is a failure on those promises, just like our President Obama has made a lot of promises, and now he is coming under severe criticism. That is part of the election process. Now, you mentioned that the Aceh people select their own Governor. Now I am given to understand that you have a legislative counsel in the two provinces. Who elects members of the legislature in your province? Are they selected or are they elected? Mr. Yumame.

Mr. YUMAME. The election system in the Papuan province, the candidate should be put by the political party.

Mr. FALDOMAVAEGA. Okay.

Mr. YUMAME. So, as I said, now most of the political party led by migrant peoples. So most of our Papuan not involved in this political party. And by now, as you know, now migration, this massive migration came to Papua, so now we are a minority in our own place. So when the political party, and we go to the election system, our voice becomes the minority voice.

So by now, if you follow the election, that really no Papuan become the leaders in Papua if we can protect with special election, like Mr. Rumbewas said enacted last year, our Papuan people assembly has made a decision that only Papuan can be candidates for the chief and his vice.

But the Indonesian Government doesn't achieve that. So we try to pursue the—we try to speak our voice, but we have now become the minority in our place. So if you force us to follow the election system, democratic election system there will not be any Papuan will become Governor because we have become minority in our place. And this is the danger we will be replaced tomorrow our future for the next Governor election.

Papuans people voice has become minority. So we could not just Papuan people as the chief, so that is the problem for us. You said that democracy system like this. But our situation is essentially the same. Papua people have become the minority there. So that is the problem. We believe that if we follow the democratic system like this, we also lose.

Mr. KIRKSEY. On that point, Mr. Chairman, I would like to correct something that Mr. Yun said earlier. He said it is a 60/40 relationship right now. We just had the 2010 Census results. The strange thing about the Census is that it doesn't differentiate between Papuans and migrants. It is done as in previous Census data, what has been done by an Australian scholar, Jim Elmsley, and this is a document I can put on the record. He has taken the historical growth rate of Papuan populations and extrapolated what he thinks is the current relationship, the current ratio of Papuans versus migrants. His conclusion, in a paper published last week, is that Papuans have already become a minority. So just to correct what Mr. Yun said.

Mr. FALEOMAVAEGA. Well, what is the percentage difference?

Mr. KIRKSEY. It is just under 50 percent right now, based on his calculations.

Mr. FALEOMAVAEGA. But again, those are just estimates. They are not the real count.

Mr. KIRKSEY. Right. So it is basically they are hiding this question. Previously, the Indonesian Government made that data available. So us, as scholars, we have to do the math to figure out, you know, basically what we think is going on. And Indonesia should make that data available but at this point, they are not.

Mr. FALEOMAVAEGA. Any further comments?

Mr. MESSET. Chairman, I just want to make a comment about Yumame's remarks. Special autonomy has 76 or 79 articles. And one of the articles clearly said that the Governor and the vice governor should be a Melanesian. It doesn't mention that, doesn't mention anything because it is not stated in the special autonomies articles. It should be made a condition on that which the MRP hasn't done so. That is our vote, the Papuans vote, not the Jakarta vote. They get millions of funds to establish this to make that, but we are lazy. We are lazy to do that.

That is why it happened. That is why I said, autonomy is a good start. We have to go build on that. We make dialogue to revise autonomy so that it can be success for the Papuan people to remain in the fourth largest nation in the world.

Mr. FALEOMAVAEGA. Thank you. Mr. Mote.

Mr. MOTE. I didn't know what kind of data that Mr. Messet is using to manipulate these fact that—based on the time from the Governor and that we showed that what Mr. Messet just said are totally wrong. And I would like to explain to you that this is not

because of, as himself as a, you know, lazy. I am not. And this is really racial, you know, I never imagine in this kind of a forum this gentleman say that we are lazy. It is not the case. Mr. Chairman—

Mr. FALEOMAVAEGA. I don't think he was implying that you are lazy. He is just making a generalization that some Papuans are lazy. But I don't think he was directing his remarks at you, with all due respect.

Mr. MOTE. No, I mean because the case is this, Mr. Chairman, that regardless of the West Papua province saying that Mr. Messet just saying it is to prepare in the past. That is supposed to be get endorsement from the government in order to take that to law, put in practice, and you know to evaluate the implication of special autonomy.

He stated clearly that the central government doesn't have a heart because they don't endorse those—the law. So, and then, another example, under special autonomy law, government form people assembly, MRP. And when they try to fight for Papuans rights, they calling are that law, the Jakarta stigmatize, Mr. Chairman, as this is separatist movement. A group. The leader is separatist leader. How in the world, they are elected leader, Mr. Chairman, according to Indonesian law, and they are put in a stigma as a separatist leader.

So really, the special autonomy is nothing worse because of the Jakarta really doesn't want to give the special autonomy. Just as the background, Mr. Chairman, the special autonomy is agreed not because of Jakarta's intention to give Papua, but because of the political situation in that moment, and Indonesian people assembly, MRP—MPR, was decreed that we have to give special autonomy. And the government delays many of the promises of the special autonomy.

So I will file, as the record, the objective facts about this special autonomy, because we are not making statement after statement as Mr. Messet just saying. But please, you know, say the objective effect that you know all of these not working because the Jakarta didn't pass a law that all the regulation can work, the Jakarta stigmatize whoever fight for our dignity, whoever fight for, you know, our protection as a separatist. That is the problem. The comparison to the democratic system in the United States, Mr. Chairman, you have a Governor where there is, you can, you know, always face the Federal Government. But the Federal Government will not stigmatize that Governor as enemy of the State.

And he doesn't have to be scared for his life just because he is critical to the Indonesian Government. And the last example, Mr. Chairman, I was a journalist in Indonesia biggest newspaper for 11 years. I experience. And I can give you many others, Papuans where we try to fight, protect our people. They stigmatize us as enemy of the state. That is really the problem. That is a problem that is faced by any of the Papuans. So what Jakarta wants is someone West Papuan, slave, someone who just follow what Jakarta want. That is our problem, Mr. Chairman. Thank you.

Mr. FALEOMAVAEGA. I want to know what interested one of our Senators, very noted gentleman from the State of New York, Senator Moynihan. In the heat of the debate, everybody was quoting

all their facts and all these things and saying it was the honest truth. And he made an observation which I thought is very much part of this dialogue. He said, "Sir, you may be entitled to your opinion, but you are not entitled to your facts." The point is that you can't make your own facts and try to justify that what you said is the truth.

And again, I am not trying to lessen the importance of your opinions, which all of you are entitled to, and all of you have different opinions. The same reason that we were in a very interesting situation in dealing with Jakarta and the purpose of this is to figure out some of the challenges. What are some of the suggestions or recommendations that you gentlemen and Dr. Richardson may want to make for the Government of Indonesia in its treatment of the people in West Papua? So you know, I just want to note that. Do you have any further statements? I am about to put the gavel down. Dr. Kirksey.

Mr. KIRKSEY. Just a real quick one on that last point. Mr. Yumame has suggested that a consulate in West Papua of the U.S. Government could help monitor human rights abuses. I think that is——

Mr. FALEOMAVAEGA. There is no way that is going to happen.

Mr. KIRKSEY. No way?

Mr. FALEOMAVAEGA. You need to understand, the question of sovereignty is very, very key and important. No more than the suggestion that Indonesia wants to set up a consulate here to keep track of whatever problem that we have. So there has got to be an understanding that we deal in terms of our interactions with other countries. But at the same time, there has to be a respect for their sovereignty.

As bad as it may seem in the opinions of others, when you talk about human rights, that is the traditional rule in terms of the relationships existing among the different countries of the world. And while I respect your recommendation that we have a consulate in West Papua, to do this, I can just say——

Mr. KIRKSEY. Related to U.S. Government presence, NAMRU, the Naval Medical Research Unit, has been there for at least a decade if not, well much longer than that. My question is, what are they doing there? They are conducting research about malaria. I have had malaria 12 times. Part of this, what has been called by some Papuan intellectuals a silent genocide or a slow genocide deals with public health.

Mr. FALEOMAVAEGA. The Americans are doing that?

Mr. KIRKSEY. This is the U.S. Naval Medical Research unit. They have been conducting experiments for many years, but they have not liaised with any local health officials. Malaria is a disease that we know how to control. It used to be all over the United States and many Latin American countries. It has been eliminated. It is within our capacity as the U.S. Government, with this research unit, with this, you know, history of working there. We can solve this problem.

Mr. FALEOMAVAEGA. I can't answer your question on that, Dr. Kirksey, as to why they are there and conducting experiments and the problem dealing with mosquitos and malaria, but that is a very serious issue in West Papua as it is in other parts of the world.

So I am afraid I can't respond to your statement and questions why we are there. Mr. Rumbewas.

Mr. RUMBEWAS. Mr. Chairman, I am sorry to return to you again and again. But one clear example is when I receive a letter from a conversation with my comrade here a month, and also we have arguments, very positive arguments with Mr. Messet. Let me say that regarding being lazy or not, I have good opportunities when my father was in prison, as I have testified to you today, and I got good education. Prosperity in Australia, like America and the Western World. But when I received the invitation, I returned. I come here. But I have returned to Papua to teach English. And that is what I wish that we were given the opportunity for the indigenous, start from the beginning of what in the history the Dutch tried to recruit us before we got our independence.

Yes, political independence like Papua New Guinea. After getting their independence, they have problems. What I like to see is, and I would like to remind you, Mr. Chairman, as soon as I return after sitting with my other colleagues here as Papuan, I am not allowed to return to Papua as Mr. Messet mentioned. You are away from America, but the concern of my people, the concern of my people, but what I have experienced in my life, I can never return again. Since the last 2 days, the Indonesian intelligence have been visiting the relatives I live in Papua.

And this is the freedom, and that is what I like to see that a full autonomy, like as I said, again and again, the Acehnese are Indonesians. We are Indonesians. But why can't we have, why can't America ask the Indonesians that there is a third party, so I can return like Mr. Messet and Franz Albert Yoca behind us, as a human beings like any Papuans and we decide these are the leaders we would like to choose and to lead ourselves like any other human being. We don't have that. Mr. Chairman, I cannot.

Mr. FALCOMAEGA. Mr. Rumbewas, in fairness, I can't say why you can't go. Maybe it is a security risk.

Mr. RUMBEWAS. That is correct.

Mr. FALCOMAEGA. The fear of the Indonesian Government might be that you are going to cause riots and cause a revolution. I don't know. But I just want to say that your capacity, and why you are in asylum living in Australia is true with many other people from many other countries of the world living in asylum simply because of those concerns.

So I can't answer your question as to why the Indonesian Government does not allow you to return, when Mr. Nicholas Jouwe or Mr. Messet are now able to return, because they were also very much anti-Indonesia in terms of what happened in the past and the abuses or whatever. But in your particular situation, I really can't respond to your question as to why you can't return in the same way that Mr. Messet and Mr. Jouwe were able to go back.

Mr. RUMBEWAS. That is true, Mr. Chairman. Only if I can be Melindo, not Melanesian to look after my own people. Only if I can be Melindo, Melanesian Indonesian, which means I have to accept the reality of the Indonesian ruling us. Thank you, Mr. Chairman.

Mr. MOTE. If I may, I would like to add that I fully agree with what just Professor Drooglever was saying, that we never have any experience of our self-determination. I just would like to inform you

that the special autonomy package was not decided by West Papuans people. We just force to accept that as the same as in our way and our right of self-determination was forced by others. So we didn't call for our right to decide about our, as a human being in our land. And which is therefore, I am support Papuan people calling for referendum, or you can say internationally facilitated the dialogue. Whatever form it will be, but the chance that as Papuan people, they can exercise our freedom to express what we want to be. Thank you, Mr. Chairman.

Mr. FALDOMAVAEGA. Well, I can't question your sincerity over what you say happened in the past in terms of the rights of Papuan people. That is a matter of history. And Dr. Drooglever's book clearly points to that. I don't question that. The challenge here now is where do we go from here? How is the right of self-determination going to be given to the Papuan people? Another question is whether or not the Indonesian Government is going to grant that. The same way the referendum was held in East Timor under the auspices of the United Nations.

I know that is the ideal situation to be given the right for you to determine your own future. We all want that. There is no question that as a matter of principle, your people were denied that privilege of self determination. Okay.

So the reality is where do we go from there in terms of this denial that was given to you? You can take to the streets. You can have demonstrations. You can take up arms and conduct a guerilla war. These are the options. But the question is, are you willing to spill blood for this kind of thing? And I have always cautioned, as much as possible, with all due respect to our Papuan people, you have bows and arrows and spears and they have guns and bullets. That bullets travel a little faster than the spears. And that is reality.

And I just want to share with you that my ultimate—really the last thing I would ever want to do is to spill blood of the Papuan people over this issue. Now, I wish we could do it. If there is a way it can be done peacefully through dialogue, I will keep pushing Jakarta to give you that privilege. But we are not at that juncture right now. When that is going to come about, your guess is as good as mine. But I sincerely hope, and for something that now I am sensing that you have an entirely different agenda now in terms of saying that you are denying any more discussions about special autonomy.

But my question to you is where do we go from here? If not special autonomy, then what? Take it to the streets? Take up arms, because that basically is the price that you are, if you want freedom that badly, and willing to spill your guts and blood for it, then do it. But I say the better part of my common sense is that I just don't think Papuan blood is too precious to be spilled over a situation that has taken place over a 60-year period. Yes, your people have suffered. But we have to continue the process. And I sincerely hope that President SBY, in his last term for the next 3 years, and I say this in good faith, that he is sincere in wanting to help the Papuan people. How he is going to go about in doing this, well, this is something that I hope that the dialog will continue.

And like I said, the whole purpose of this hearing is not to point fingers at anybody or to give any sense of charges about the evils that have been done in the past. My more serious concern is where we are now and what do we need to do for the future? And if you have got better ideas based on where the consensus of the Papuan people lies in this, please let us know. I have had some of your leaders who have come from other countries all claiming that they speak on behalf the Papuan people.

Now, I take this with a grain of salt because personally, I would rather talk to the people who are in Papua, who are struggling, who are actually there, to know their problems and their struggles. So there are so many different issues and concerns that we need to address. And like you, Mr. Messet, I have always said, yes, your people have to make that determination. You have to make that decision, not the American Congress or this country.

But ultimately, what is it that your people want collectively and under a unified sense of voice that this is what you want. And certainly, with what little I can do in my capacity as chairman of this subcommittee, that is all I can do. So this has been a very lively dialogue in the sense that we have certainly differences of opinion about different issues. But that is the very purpose of having this hearing. Where do we go from here? I don't know if I get reelected in November. I may not show up again and you may not see my ugly face again come November. I don't know. But I will say, again, in good faith and sincerity, that I think President SBY does have a sincere heart in wanting to help the Papuan people. How he goes about doing this, what things are being done, that is the challenge for all of us, whether it be by dialogue or some other forum or however that we may want to do this.

But I really hope that we continue to have this dialogue and communication and hope that Jakarta will be more forthcoming in helping the people of Papua. So with that, if you have no further statements that you want to add for the record, I am going to use this gavel and say, the hearing is adjourned. Thank you.

[Whereupon, at 6:57 p.m., the subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

SUBCOMMITTEE ON ASIA, THE PACIFIC AND THE GLOBAL ENVIRONMENT
Eni F.H. Faleomavaega (D-AS), Chairman

September 20, 2010

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Subcommittee on Asia, the Pacific and the Global Environment, to be held in **Room 2172 of the Rayburn House Office Building (and available live, via the WEBCAST link on the Committee website at <http://www.hcfa.house.gov>)**:

DATE: Wednesday, September 22, 2010

TIME: 3:00 p.m.

SUBJECT: Crimes Against Humanity: When Will Indonesia's Military Be Held Accountable for Deliberate and Systematic Abuses in West Papua?

WITNESSES: Panel I

Mr. Joseph Y. Yun
Deputy Assistant Secretary
Bureau of East Asian and Pacific Affairs
U.S. Department of State

Mr. Robert Scher
Deputy Assistant Secretary of Defense for South and Southeast Asia
Asian and Pacific Security Affairs
U.S. Department of Defense

Panel II

Pieter Drooglever, Ph.D.
Professor Emeritus
Institute of Netherlands History

Mr. Octovianus Mote
Founder, West Papua Action Network
President, Papua Resource Center

Mr. Henkie Rumbewas
International Advocate
Australia West Papua Association (AWPA)

Mr. Nicholas Simeone Messet
West Papua

Mr. Salamon Maurits Yumame
Head of FORDEM (The Democratic Forum)

S. Eben Kirksey, Ph.D.
Visiting Assistant Professor
The Graduate Center
The City University of New York

Sophie Richardson, Ph.D.
Asia Advocacy Director
Human Rights Watch

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/223-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

HEARING MINUTES OF THE SUBCOMMITTEE ON ASIA, THE PACIFIC
AND THE GLOBAL ENVIRONMENT

Day: Wednesday
 Date: September 22, 2010
 Room: 2172 Rayburn House Office Bldg.
 Start Time: 3:06 p.m.
 End Time: 6:57 p.m.
 Recesses:
 Presiding Member(s): Chairman Eni F.H. Faleomavaega

CHECK ALL OF THE FOLLOWING THAT APPLY:

Open Session X
 Executive (closed) Session
 Televised X
 Electronically Recorded (taped) X
 Stenographic Record X

TITLE OF BRIEFING: "Crimes Against Humanity: When Will Indonesia's Military Be Held Accountable for Deliberate and Systematic Abuses in West Papua?"

COMMITTEE MEMBERS PRESENT: Rep. Watson, Rep. Inglis

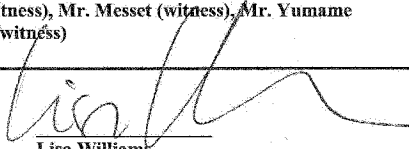
NONCOMMITTEE MEMBERS PRESENT: Rep. Sheila Jackson-Lee

BRIEFERS: Same as meeting notice attached? Yes X No (If "no", please list below and include title, agency, department, or organization.

ACCOMPANYING BRIEFERS: (Include title, agency, department, or organization, and which witness the person accompanied

STATEMENTS FOR THE RECORD: (List any statements submitted for the record)

Chairman Faleomavaega, Rep. Watson, Mr. Yun (witness), Mr. Scher (witness), Dr. Drooglever (witness), Mr. Mote (witness), Mr. Rumbewas (witness), Mr. Messet (witness), Mr. Yumame (witness), Dr. Kirksey (witness), Dr. Richardson (witness)


 Lisa Williams
 Staff Director

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE ENI F.H. FALEOMAVAEGA, A REPRESENTATIVE IN CONGRESS FROM AMERICAN SAMOA, AND CHAIRMAN, SUBCOMMITTEE ON ASIA, THE PACIFIC AND THE GLOBAL ENVIRONMENT

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December 13, 2007

LEAHY, ROBERT, SENATOR, ILLINOIS
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Republican Staff Director

MARK ORDE
Ranking Member

ANDREW GARLOCK
Chief Republican Counsel

His Excellency Susilo Bambang Yudhoyono
President of the Republic of Indonesia
Merdeka Palace
Jakarta, Indonesia

Dear Mr. President:

Please accept my sincere appreciation to you and members of your administration for giving me the opportunity to meet with you and also with Vice President Kalla in July of this year. As a follow-up to our discussions in July regarding your invitation for me to visit both provinces in Papua, I am writing regarding my trip especially to Biak and Manakwari on November 27, 2007.

As you know, I originally wanted to visit Papua during my visit to Indonesia in July of this year but your government was unable to allow me to travel at that time due to security concerns. In August, I again requested an opportunity to visit Papua and your government proposed alternative dates to coincide with your invitation for me to also attend the UN Climate Change Conference to be held in Bali beginning on December 3, 2007.

In good faith, I planned my trip to coincide with your invitation and it was my understanding that prior to the UN conference I would travel to Papua in late November of this year in support of your efforts to implement the provisions of the Special Autonomy Law that was approved by the government of Indonesia since 2001. It was also my understanding that Vice President Kalla and Minister Freddy Numberi, if their schedules permitted, would join me in my visit to Papua. I was also assured by officials of your Foreign Ministry that I would be allowed 5 days to visit Papua during which time I would visit Biak, Manokwari, and, most importantly, Jayapura.

However, while enroute to Jakarta, I received word that your government would allow me to spend only 3 days in Papua. Upon my arrival on November 25, 2007, I was then informed that I would be able to spend only two hours in Papua and that I would not be

allowed to visit Jayapura. I was also informed that neither Vice President Kalla nor Minister Numberi would be able to travel given that both had other commitments, and this is understandable given their many other duties and responsibilities in the government.

Having already been denied entry to Papua in July of this year and having accommodated your request to postpone my August visit to the last week of November, I was deeply disappointed that upon my arrival I was again denied entry into Jayapura and that my time was reduced from 5 days to only two hours of actual meetings with the leaders and people of Biak and Manokwari due to supposed security concerns. Such a decision on the part of your government begs the question, if all is well throughout the provinces of Papua and West Papua, why is security a problem at all? In July, I was denied entry due to security concerns related to Independence Day celebrations. In August, I was denied entry due to Minister Numberi's inability to accompany me at that time. In November, I was denied entry because of security concerns about December 1 being a day of importance to the Papuan people. However, in each and every case, your Foreign Ministry in Washington was well aware of the dates of my intended travel and, in November, my dates were based upon your government's request that I coordinate my visit in conjunction with the UN conference.

Given that you and I had an understanding that I would support your efforts to implement the Special Autonomy Law and also given that while in Indonesia in July of this year I made it clear in every press interview that we were working together, it is difficult for me to understand why at every turn I have been denied entry to Jayapura and that my time in Papua and West Papua was reduced from 5 days to two hours. In truth, with the exception of the two days I spent with Freeport officials in Timika, I spent all of two hours in Biak and only 10 minutes on the ground in Manokwari.

In Biak, I met with Governor Suebu and other legislators, traditional and religious leaders selected by the government. But during the course of my meeting, a highly respected traditional leader, Chief Tom Beanal, was detained by the military, as was Mr. Willie Mandowen. In fact, my staff had to go to the gate of the government guesthouse to request that they be allowed entry to our meeting with Governor Suebu. Papuans who had gathered in the streets in Biak were also denied the opportunity to meet with us, and US Ambassador Cameron Hume and I had to force our way through a military barricade just to meet with the Papuan people who had to walk several miles from the airport and wait in the hot sun because TNI military forces barred them from meeting with Ambassador Hume and me.

During our meeting in the streets with the Papuan people, which the TNI military limited to less than 5 minutes, I publicly thanked Your Excellency for allowing me to visit Biak. However, though I did not publicly mention it, I was deeply disturbed by the overpowering military presence, which I felt was completely unnecessary.

In Manokwari, the military presence was even worse. Prior to my arrival in Manokwari, I was told that I would be meeting with the Governor only to learn upon my

arrival at the airport that the Governor was in China. Nonetheless, Ambassador Hume and I were put in a car, without any escort and with only a single traffic police unit in front. While we do not require special privileges, we were very aware that our delegation was not given the necessary escort because the TNI was intent on deceiving the Papuans who had gathered on the streets waiting for us.

As reported by others, we were driven along Trikora Road, the main road from Manokwari to Rendani Airport, then along Sujarwo Condrongoro Road, in the direction of Reremi Road and along Palapa Road (which is very badly damaged, full of potholes and very narrow), then along Merapi Road to Merdeka Road and then on to Siliwangi Road to arrive at the office of the Governor of the Province of West Papua. We were keenly aware that, although we were guests of your government, TNI drove us through round about routes where acts of sabotage could easily have occurred.

Arriving at the office of the Governor who was in China, and after meeting for less than 10 minutes with the Vice Governor, I was told that due to weather and security concerns, I would need to depart immediately. In no uncertain terms, I was told by the TNI military leaders that Ambassador Hume and I were not welcome in Manokwari.

In the TNI's haste to get us out of Manokwari, Ambassador Hume and I were separated and placed in different vehicles. We were again driven along the back roads of Manokwari with no clear indication where we were headed, without any escort, and not one single official of the West Papua government accompanied us back to the airport, meaning we were placed in unfavorable circumstances. While I felt no danger whatsoever from the Papuans who were unarmed and only wanted to meet with us, I was very uncomfortable that your TNI military was so bent on not allowing even a conversation to take place. It was my hope and understanding that I would be able to meet with the people and leaders of both provinces but, when I saw how heavily armed that the TNI military was, I knew that the military had no intention of honoring the commitment that you and I had made in Jakarta in July of this year.

As I arrived in front of the lobby at the Rendani airport, I was able to briefly walk through the crowd at which time the Papuans handed me a petition and put a Manokwari necklace around my neck. I was also given a stuffed Cenderawasih bird as I made my way to the plane. While there was some concern that the Papuans wanted to block the runway in order to meet with us, due to inclement weather our delegation had to board the aircraft quickly.

From the window of the plane, I saw pushing and shoving between the heavily armed military and the unarmed Papuans. Banners were also raised. Whether or not anyone was hurt or arrested, I do not know but would like assurances from your government that no arrests were made and that no one was harmed. I would also like to know if you are still committed to working together to implement the Special Autonomy Law. My position remains the same as to what you and I agreed in July of this year, and I have not veered from my commitment to you. To reiterate, I will support the Special Autonomy Law and work in the US Congress to make sure your government is given

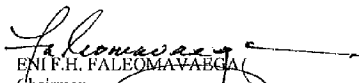
every opportunity to make good on its promises to the Papuan people based on the understanding that this is also the consensus of the traditional, religious and political leaders of both provinces.

However, as long as the TNI military forces of Indonesia continue to deny Members of Congress real access to the provinces of Papua and West Papua, especially Jayapura, it will be difficult for me to support the goals of Special Autonomy when clearly the Papuans in these two provinces are still being intimidated, harassed and abused by the TNI. Likewise, I do not consider two hours in Biak and 10 minutes in Manokwari as access. Until I am allowed to visit Jayapura, as I have been promised, and until I am allowed to meet with the people of Papua, as we agreed, I cannot in good conscience inform my colleagues in Congress that progress is being made to implement the Special Autonomy Law which has mostly remained dormant since 2001 and, since for the past 60 years, until your leadership, the government of Indonesia has done absolutely nothing to help the Papuan people who only want to be treated humanely.

I do commend you for your efforts to implement the Special Autonomy Law which is supposed to ensure the civil rights and liberties of the Papuan people and, at this time, I still believe we can work together in cooperation with Freeport Mining, USAID, OPIC, and the traditional, religious, and political leaders of both provinces to strengthen the Special Autonomy Law. But, whether or not we move forward is entirely up to your Administration and those who control the activities of Indonesia's TNI military forces.

While I appreciate the constraints that you are under, I remain hopeful that we can overcome these obstacles and establish a more stable environment that is mutually beneficial for Jakarta and the Papuan people.

Sincerely,


 ENI F.H. FALEOMAVAEGA
 Chairman
 Subcommittee on Asia, the Pacific,
 and the Global Environment

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March 5, 2008

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REPUBLICAN CHIEF COUNSEL

His Excellency Susilo Bambang Yudhoyono
President of the Republic of Indonesia
Merdeka Palace
Jakarta, Indonesia

Dear Mr. President:

In 2005, at your request, we suspended our support for West Papua's right to self-determination in order to give you time to implement the Special Autonomy legislation passed by the Indonesian Parliament in 2001. We welcomed the promise of this legislation and your personal assurances that your government would finally accord the Papuan people a fair share of the great wealth derived from Papuan resources. However, after three years, we note that the people of Papua, through the voices of Papuan religious and civil society leaders as well in broad public demonstrations, have declared Special Autonomy a failure.

We are also disappointed that your government has not made substantial progress in implementing Special Autonomy. While your administration has designated Special Autonomy funds for Papuan development, these funds have not reached the Papuan people who, after over four decades, still lack even rudimentary health and educational services. As you will agree, effective distribution and utilization of these funds require trained Papuan cadre and an infrastructure with the capacity to disburse these funds efficiently and honestly, and this means there is a critical need to develop Papuan cadre and infrastructure. This need can only be met by a concerted effort involving your government and international agencies such as USAID.

This is why we have repeatedly asked that you work with the U.S. Congress and the United Nations, to develop a plan that assures effective implementation of Special Autonomy. In no way do we believe that throwing money at the people of Papua for the next 15 or 20 years relieves Jakarta of its responsibility to educate the people of Papua and help them build the capacity they need to effectively manage their affairs.

In fact, to leave an uneducated populace without the tools it needs to rebuild itself is to promote social and cultural genocide, and this is not right, especially if Indonesia is intent on the United States supporting its territorial integrity. If Indonesia is intent on the U.S. supporting its territorial integrity, in turn, Indonesia must be intent on doing right by the people of Papua. Doing right by Papua means: a) implementing a plan of success; b) opening your doors to allow Members of the U.S. Congress, United Nations personnel, and non-government agencies access

to Jayapura and the rest of the province; and c) demilitarizing your approach. Indonesia's reliance on force for the maintenance of control is counterproductive, and long-standing abuses by security forces have galvanized independence sentiments among majority Papuans.

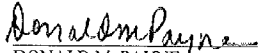
In this latter regard, the January 28 UN report by UN Special Representative Hina Jilani documents continuing intimidation and abuse of human rights advocates by an Indonesian military that remains largely unaccountable before Indonesian courts. Our letter to you on December 13, 2007, which is enclosed for your information, also specifically addressed the Indonesian military's use of undue force. Because you never replied to the letter, we can only assume that you did not receive it or that the concerns expressed were of no interest to you at the time of your receipt. However, given that Congress is now contemplating increasing funding to train your security forces, including KOPASSUS and BRIMOB, we are hopeful that you will now address the concerns expressed in that letter.

Also, we are enclosing photographs and a DVD which show one Member's experience with your military while in Biak and Manokwari. Prior to Congress taking further action to increase funding for your military, we are sending copies of these photos and this DVD to U.S. Secretary of Defense Robert M. Gates, U.S. Secretary of State Condoleezza Rice, House and Senate appropriators, Members of the Congressional Black Caucus, and Members of the House and Senate Foreign Affairs' Committees. We are also enclosing our December 13, 2007 letter because we believe it is important for our Administration and colleagues to know that your government denied a Member of the U.S. Congress access to Jayapura.

While the photos and DVD do not fully capture your military's overuse of force during Congressman Faleomavaega's visit, we believe that they clearly show a pattern of your military's misuse of force. Although your military stated that this use of force was for the Congressman's protection, we believe you will agree that no Member of Congress should need hundreds of military personnel in full riot gear to protect him or her in provinces you say are safe. Ultimately, Papuans are no threat to Members of Congress. Papuans are the same as you. They want to be heard. They want to be educated. They want to live freely and happily. They do not want to be herded like animals, kept behind police barricades, and silenced at gunpoint.

Therefore, we are hopeful that you will work with us to make the situation for Papuans more tolerable. We are also hopeful that given our goodwill and your past assurances that you will grant us immediate access to Jayapura. Continued refusal by your military to allow our access to Jayapura and other parts of Indonesia will inevitably call into question the seriousness of your government's assurances to us regarding your intent to implement Special Autonomy and to end unreasonable restrictions on international access to West Papua.

Sincerely,


DONALD M. PAYNE
Chairman
Subcommittee on Africa
and Global Health


Faleomavaega
Chairman
Subcommittee on Asia, the Pacific,
and the Global Environment

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March 5, 2008

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Republican Staff Director
MARC C. CLAY
Republican Staff Director
DOUGLAS C. ANDERSON
Republican Staff Director

The Honorable Robert Michael Gates
Secretary of Defense
1000 Defense Pentagon, Room 3E718
Washington, DC 20301-100

Dear Mr. Secretary:

Enclosed for your information is our letter of March 5, 2008 to President Susilo Bambang Yudhoyono which expresses our concerns about Indonesia's lack of progress in implementing Special Autonomy for the people of West Papua, and calls for Indonesia to end unreasonable restrictions on international access to West Papua including Jayapura.

The photographs, DVD, and letter of December 13, 2007, which are also enclosed, exhibit our deep concerns about Indonesia's misuse of military force. As Members of the House Foreign Affairs Committee, we firmly believe that the United States has a moral obligation to make sure that any funds we expend to assist Indonesia are not misused to bring harm to the people of West Papua.

Until such time as Indonesia lives up to its promises to allow Members of Congress access to Jayapura, and makes substantial progress in curbing its military presence in West Papua, we are hopeful that you will restrict funding to train Indonesia's security forces, including KOPASSUS and BRIMOB.

Sincerely,


DONALD M. PAYNE
Chairman
Subcommittee on Africa
and Global Health


EMI F.H. FALCOMAR
Chairman
Subcommittee on Asia, the Pacific,
and the Global Environment



THE SECRETARY OF DEFENSE
WASHINGTON, THE DISTRICT OF COLUMBIA

APR 2 2008

The Honorable Eni F.H. Faleomavaega
Chairman
Subcommittee on Asia, the Pacific, and the Global Environment
Committee on Foreign Affairs
U.S. House of Representatives
Washington, DC 20515

APR 03 2008 *rec'd*

Dear Mr. Chairman:

Thank you for your letter of March 5, 2008 forwarding a copy of your letter to Indonesian President Yudhoyono expressing concerns about the progress Indonesia is making in implementing Special Autonomy for the provinces of Papua and West Papua. The U.S. Department of State will be responding to you on U.S. views regarding the Government of Indonesia's implementation of Special Autonomy in Papua and West Papua and policies on international access to these regions.

I just returned from a visit to Indonesia in February, which included meetings with President Yudhoyono and members of his Cabinet. Although we did not discuss Papua, I did leave Jakarta with a clear sense of the dramatic change that has taken place in Indonesia, including democratization and significant reform of the Indonesian military (TNI). Although there remains room for progress, TNI performance on human rights has improved dramatically throughout the country, including in Papua and West Papua.

U.S. military assistance provided to the TNI is intended to support Indonesia's own reform effort and is an important tool in promoting military professionalism and improved human rights performance. As required by law, assistance to foreign security forces is provided only when applicable legal requirements, such as human rights verification, are met.

Sincerely,



HOWARD L. BERMAN, CALIFORNIA
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March 6, 2008

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REPUBLICAN STAFF POLICY ADVISOR

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REPUBLICAN CHIEF COUNSEL

The Honorable Joseph R. Biden, Jr.
Chairman
Senate Committee on Foreign Relations
Senate Dirksen – 439
Washington, DC 20510

The Honorable Richard G. Lugar
Ranking Member
Senate Committee on Foreign Relations
Senate Dirksen – 450
Washington, DC 20510

Dear Mr. Chairman and Ranking Member:

Enclosed for your information is our letter of March 5, 2008 to President Susilo Bambang Yudhoyono which expresses our concerns about Indonesia's lack of progress in implementing Special Autonomy for the people of West Papua, and calls for Indonesia to end unreasonable restrictions on international access to West Papua including Jayapura.

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Until such time as Indonesia lives up to its promises to allow Members of Congress access to Jayapura, and makes substantial progress in curbing its military presence in West Papua, we are hopeful that you will restrict funding to train Indonesia's security forces, including KOPASSUS and BRIMOB.

Sincerely,


DONALD M. PAYNE
Chairman
Subcommittee on Africa
and Global Health


ENI F. H. FALEOMAVAEGA
Chairman
Subcommittee on Asia, the Pacific,
and the Global Environment

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MARK C. GAGE
Republican Senior Policy Advisor

DOUGLAS C. ANDERSON
Republican Chief Counsel

March 6, 2008

The Honorable Howard L. Berman
Acting Chairman
Committee on Foreign Affairs
2170 Rayburn HOB
Washington, D.C. 20515

The Honorable Keanan Ros-Lehtinen
Ranking Member
Committee on Foreign Affairs
B360 Rayburn HOB
Washington, D.C. 20515

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Sincerely,


DONALD M. PAYNE
Chairman
Subcommittee on Africa
and Global Health


ENI F.H. FALEOMAVAEGA
Chairman
Subcommittee on Asia, the Pacific,
and the Global Environment

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Republican Staff Director

MARK C. GALE
Democratic Staff Director

DOUGLAS C. ANDERSON
Republican Chief Counsel

March 6, 2008

The Honorable Patrick Leahy
Chairman
Senate Subcommittee on State, Foreign
Operations, and Related Program
Senate Dirksen - 127
Washington, D.C. 20510

The Honorable Judd Gregg
Ranking Member
Senate Subcommittee on State,
Foreign Ops, and Related Programs
Senate Dirksen - 142
Washington, D.C. 20510

Dear Mr. Chairman and Ranking Member:

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Sincerely,


DONALD M. PAYNE
Chairman
Subcommittee on Africa
and Global Health


ENI F.H. FALLOMANA VABGA
Chairman
Subcommittee on Asia, the Pacific,
and the Global Environment

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Chief Counsel

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March 6, 2008

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HELEN G. B. POOLSTE
Republican Party Director
MARTIN C. GAGE
Republican Party Policy Advisor
DOUGLAS C. JOHNSON
Republican Party Chief Counsel

The Honorable Nita M. Lowey
Chair
Subcommittee on State, Foreign Operations,
and Related Programs
Room HB26, The Capitol
Washington, D.C. 20515

The Honorable Frank R. Wolf
Ranking Member
Subcommittee on State, Foreign
Operations, and Related Programs
1016 Longworth
Washington, DC 20515

Dear Madam Chair and Ranking Member:

Enclosed for your information is our letter of March 5, 2008 to President Susilo Bambang Yudhoyono which expresses our concerns about Indonesia's lack of progress in implementing Special Autonomy for the people of West Papua, and calls for Indonesia to end unreasonable restrictions on international access to West Papua including Jayapura.

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Sincerely,


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Chairman
Subcommittee on Africa
and Global Health


ENRI F.H. FALCÓN MATEO
Chairman
Subcommittee on Asia, the Pacific,
and the Global Environment

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VACANT

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Staff Director

PHILIP M. YEO
Deputy Staff Director

CANDY J. JABONWITZ
Chief Counsel

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March 6, 2008

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Ranking Republican Member

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YULEN D. E. POBLITE
Executive Staff Director

MARK C. GAGE
Political and Senior Policy Advisor

DOUGLAS C. ANDERSON
Senior Staff Director

The Honorable John P. Murtha
Chairman
Subcommittee on Defense
Room H149, U.S. Capitol
Washington, D.C. 20515

The Honorable C.W. Bill Young
Ranking Member
Subcommittee on Defense
1016 Longworth
Washington, D.C. 20515

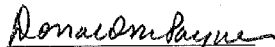
Dear Mr. Chairman and Ranking Member:

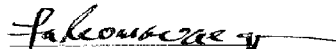
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Sincerely,


DONALD M. PAYNE
Chairman
Subcommittee on Africa
and Global Health


ENI F.H. FALEOMAVAEGA
Chairman
Subcommittee on Asia, the Pacific,
and the Global Environment

HOWARD L. BERNAL, CALIFORNIA
ACTING CHAIRMAN

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ALBIO SIRECI, NEW JERSEY
CAROLLE GIFFORDS, ARIZONA
ROTHA E. PIERCE
VACANT

ROBERT B. HODG
STAFF DIRECTOR

PETER M. TEO
LEGISLATIVE COUNSEL

DAVID S. ABRAHAMOWITZ
DEPUTY CHAIRMAN

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March 6, 2008

ILEANA ROBLINSTEIN, FLORIDA
REPUBLICAN MEMBER

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DANIEL ROHRBAUGH, CALIFORNIA
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MARK C. DAGL
REPUBLICAN SENATE POLICY ADVISOR

RODOLPH C. ANDERSON
REPUBLICAN CHIEF COUNSEL

The Honorable Carolyn C. Kilpatrick
Chairwoman
Congressional Black Caucus
2264 Rayburn House Office Building
Washington, D.C. 20515

Dear Madam Chair:

Enclosed for your information is our letter of March 5, 2008 to President Susilo Bambang Yudhoyono which expresses our concerns about Indonesia's lack of progress in implementing Special Autonomy for the people of West Papua, and calls for Indonesia to end unreasonable restrictions on international access to West Papua including Jayapura.

The photographs, DVD, and letter of December 13, 2007, which are also enclosed, exhibit our deep concerns about Indonesia's misuse of military force. As Members of the House Foreign Affairs Committee, we firmly believe that the United States has a moral obligation to make sure that any funds we expend to assist Indonesia are not misused to bring harm to the people of West Papua.

Until such time as Indonesia lives up to its promises to allow Members of Congress access to Jayapura, and makes substantial progress in curbing its military presence in West Papua, we are hopeful that you will restrict funding to train Indonesia's security forces, including KOPASSUS and BRIMOB.

Sincerely,


DONALD M. PAYNE
Chairman
Subcommittee on Africa
and Global Health


FRED F. FALCOWA
Chairman
Subcommittee on Asia, the Pacific,
and the Global Environment

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Chief Counsel

ONE HUNDRED TENTH CONGRESS
CONGRESS OF THE UNITED STATES
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

TELEPHONE: (202) 225-5021
HTTP://WWW.FOREIGNAFFAIRS.HOUSE.GOV/

March 6, 2008

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THOMAS M. D. FORBES
Executive Staff Director

MURRAY G. CASE
Repeating Senior Policy Advisor

DOUGLAS C. ANDERSON
Executive Staff Director

The Honorable Condoleezza Rice
U.S. Secretary of State
Harry S. Truman Building
2201 C Street NW
Washington, DC 20520

Dear Madam Secretary:

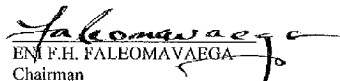
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Sincerely,


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Chairman
Subcommittee on Africa
and Global Health


F.H. FALCOWA
Chairman
Subcommittee on Asia, the Pacific
and the Global Environment

Congress of the United States
House of Representatives
Washington, DC 20515

March 14, 2005

His Excellency Kofi Annan
Secretary General
United Nations
42nd and 1st Avenue
New York, NY 10017

Dear Mr. Secretary General:

We are writing to ask for a review of the United Nation's conduct in West Papua. In 1962, the United States mediated an agreement between Indonesia and the Netherlands in which the Dutch were to leave West Papua, transfer sovereignty to the United Nations Temporary Executive Authority (UNTEA) for a period of six years, after which time a national election was to be held to determine West Papua's political status.

However, after this agreement was reached, Indonesia violated the terms of transfer and took over the administration of West Papua from the UNTEA. In 1969, Indonesia orchestrated an election that many regarded as a brutal military operation. Known as the "Act of Choice," 1,022 elders under heavy military surveillance were selected to vote for 809,327 Papuans on the territory's political status.

United Nations (UN) Ambassador Ortiz-Sanz, who was sent to West Papua to observe the process, issued the following statement:

"I regret to have to express my reservation regarding the implementation of Article XXII of the (New York) Agreement relating to 'the rights, including the rights of free speech, freedom of movement and of assembly of the inhabitants of the area.' In spite of my constant efforts, this important provision was not fully implemented and the (Indonesian) Administration exercised at all times a tight political control over the population."

Despite Ambassador's Ortiz-Sanz's report, testimonials from the press, the opposition of fifteen countries and the cries for help from the Papuans themselves, the UN sanctioned Indonesia's act and, on September 10, 1969, West Papua became a province of Indonesian rule. Since the Indonesian government seized control of West Papua, the Papuans have suffered blatant human rights abuses, including extrajudicial

executions, imprisonment, torture and, according to Afrim Djonbalic's 1998 statement to the UN, "environmental degradation, natural resource exploitation, and commercial dominance of immigrant communities."

The Lowenstein Human Rights Clinic at Yale University recently found, in the available evidence, "a strong indication that the Indonesian government has committed genocide against the Papuans." West Papua New Guineans differ racially from the majority of Indonesians. West Papuans are Melanesian and believed to be of African descent. In 1990, Nelson Mandela reminded the UN that when "it first discussed the South African question in 1946, it was discussing the issue of racism." We believe as the UN discusses the West Papua question, it will also be discussing the issue of racism.

Furthermore, we believe the UN will be discussing the issue of commercial exploitation. West Papua New Guinea is renowned for its mineral wealth including vast reserves of gold, copper, nickel, oil and gas. In 1995, for example, the Grasberg ore-mountain in West Papua was estimated to be worth more than \$54 billion. Yet little or no compensation has been made to local communities and new provisions in the law fall well short of West Papuan demands for independence.

In a statement dated February 24, 2004 (attached), Archbishop Bishop Desmond Tutu called on the UN to act on West Papua and 174 parliamentarians and 80 nongovernmental agencies from around the world have also written to you asking that a review be initiated. In the interim, Indonesian military operations in the highlands of West Papua have been ongoing since August 2004 forcing thousands of villagers into the forests where they lack adequate food, shelter and medicine. Indications are that this operation is spreading to other regions of West Papua and intensifying.

Given these circumstances, we are reminded of Nelson Mandela's statement before the UN Special Committee against Apartheid in which he said:

"It will forever remain an indelible blight on human history that the apartheid crime ever occurred. Future generations will surely ask -- what error was made that this system established itself in the wake of the adoption of a Universal Declaration on Human Rights.

It will forever remain an accusation and a challenge to all men and women of conscience that it took as long as it has before all of us stood up to say enough is enough."

On the question of West Papua, we feel similarly and we write to say, enough is Enough. It is time to bring an end to violence, racism and commercial exploitation in West Papua. In his State of the Union address before the U.S. Congress this year, President Bush said, "America will stand with the allies of freedom to support democratic movements in the Middle East and beyond, with the ultimate goal of ending tyranny in our world." In our opinion, the President's mantra must and should include West Papua and we are hopeful that this means the Administration will support West Papua's right to

self-determination through a referendum or plebiscite sanctioned by the UN. As an organization which promotes and protects basic human rights, including the right to self-determination, we are also hopeful that the UN will review the question of West Papua and act immediately.

Sincerely,

Amador Payne

Babara Lee

Gobby Lush

Eiri Saleonovag

John Long

R. A. Long

Corrie Brown

Luigi B. Biscardi

Melanie Waters

Major R. Owens

Abel L. Hottel

Melanie L. Waters

E. J. Long

Long

James E. Gibson Elmer H. Hark

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Arthur Davis Wm. Lucy Clay

Alma E. Watson

Edith Jackson

Charles D. Rangel

Harriet W. Munk

H. Crow

John Green

Kenneth B. Munk

Congress of the United States
Washington, DC 20515

June 9, 2010

The Honorable Barack H. Obama
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

During your upcoming visit to Indonesia, we ask that you join Archbishop Desmond Tutu, former United Nations Secretary General Kofi Annan, Members of the Congressional Black Caucus, the Chairman of the House Foreign Affairs Subcommittee on Africa, the Chairman of the House Foreign Affairs Subcommittee on Asia, the Pacific and the Global Environment as well as over 174 parliamentarians and 80 nongovernmental agencies from around the world to call upon the Indonesian government to deal fairly with the people of West Papua—the half of New Guinea that was invaded by Indonesia in 1962.

There is “a strong indication that the Indonesian government has committed genocide against the Papuans,” according to a recent report by the Lowenstein Human Rights Clinic at Yale University. Genocide is usually difficult to document since leaders are often reluctant to state their intention to destroy another nation, race, or ethnic group. Even still, in 2007 Col. Burhanuddin Siagian, who was then the regional commander (DANREM) of the Indonesian military stationed in the capital of West Papua, said: *“If I encounter elements that use government facilities, but still are betraying the nation, I will destroy them.”*

Operations by Indonesian security forces are intensifying. On April 22, 2010, for example, the U.S.-backed Detachment 88 troops and BRIMOB (Mobile Brigade) police forces joined in an assault on peaceful demonstrators in the city of Manokwari. In the first weeks of May, dozens of Papuan civilians were reported killed, raped, tortured, and intimidated during ongoing sweeping operations by government security forces in the remote Puncak Jaya region.

Stepping back from this recent violence, and looking at recent history, reveals sinister patterns: A “slow motion genocide” is taking place according to Dr. Jim Elmslie of Sydney University, who has studied census data and government records, concluding that “a demographic catastrophe is happening in West Papua.” According to the 1971 census indigenous Papuans constituted 96 per cent of the population living in their land. Now there are over one-million Indonesian settlers living in West Papua and the indigenous peoples have been reduced to an estimated 52 per cent of the population.

The roots of this conflict in West Papua can be found in U.S. foreign policy. President John F. Kennedy’s Administration brokered an August 1962 cease fire between the Dutch and the Indonesians—ending a protracted military conflict over the

future of West Papua. This deal transferred West Papua to the United Nations Temporary Executive Authority, from October 1962-May 1963. It was also supposed to guarantee the right of West Papuans to decide "(a) whether they wish to remain with Indonesia; or (b) whether they wish to sever their ties with Indonesia." A referendum that clearly presented this choice never took place.

In 1969 Indonesia staged the so-called "Act of Free Choice" in an attempt to fulfill the provisions of the 1962 treaty. During this sham referendum 1,022 elders under heavy military surveillance were selected to vote for 809,327 indigenous Papuans on the territory's political status. The United Nations (UN) Ambassador Ortiz-Sanz, who was sent to West Papua to observe the process, issued the following statement: "The (Indonesian) Administration exercised at all times a tight political control over the population." "The rights, including the rights of free speech, freedom of movement and of assembly of the inhabitants of the area" were not upheld during the Act of Free Choice, according to Ortiz-Sanz. Cold War priorities led President Richard Nixon and Secretary of State Kissinger to ignore the provisions of Kennedy's 1962 treaty and accept Jakarta's political theatrics during the Act of Free Choice.

Archbishop Desmond Tutu spoke out against the Act of Free Choice in 2004, comparing the situation in West Papua to apartheid South Africa: "Instead of a proper referendum, where every adult male and female had the opportunity to vote by secret ballot on whether or not they wished to be part of Indonesia, just over 1,000 people were hand-picked and coerced into declaring for Indonesia in public in a climate of fear and repression." In 2005 the Congressional Black Caucus joined with the Chairman of the House Foreign Affairs Subcommittee on Africa and the Chairman of the House Foreign Affairs Subcommittee on Asia, the Pacific and the Global Environment as well as with Archbishop Tutu, 174 parliamentarians, and 80 nongovernmental agencies from around the world in writing to United Nations Secretary General Kofi Annan for a review of the 1969 Act of Free Choice. Before leaving office Annan did not initiate this review, but in recent months he has been in Jakarta—facilitating a dialog between the Indonesian government and the peoples of West Papua. Recently elected British Prime Minister David Cameron, described West Papua as "a terrible situation" in an interview with the Daily Telegraph earlier this year.

The Indonesian Government has been touting a Special Autonomy package for nearly a decade—calling it a "solution" to West Papua's political problems. The legislation contains significant economic concessions, promising to channel revenue from vast timber, petroleum, and mining ventures back to the province. These funds have not hit the ground. Basic road infrastructures, public health programs, and reliable water and electricity are still lacking in West Papua. Indonesia's occupation still contains many features of apartheid. Despite a limited number of affirmative action programs for Indigenous Papuans under the Special Autonomy law, Indonesian settlers continue to enjoy better access to education, jobs, and health care. The Indonesian military operates with complete impunity, accountable to Generals in Jakarta rather than elected Papuan officials. In a word, the Special Autonomy program has failed.

Freddy Numberl, an indigenous Papuan who is Indonesia's Minister for Trade, gave a public speech on April 7th, 2010 at the University of Indonesia where he said: "People with black skin and kinky hair like me will never become President of Indonesia. There is no place for minorities in this country." Numberl concluded his

speech by saying that the Republic of Indonesia will break up and West Papua will achieve independence."

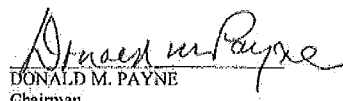
Amidst ongoing military operations, politicians in Jakarta continue to show ill will towards the Papuan peoples. An unpopular decree by President Megawati split the territory in half in 2003, officially creating two territories: the Province of Papua and the Province of West Papua. There are currently more than 60 Papuan political prisoners in Indonesian jails, including Yusak Pakage and Filip Karma—who have been designated as Prisoners of Conscience by Amnesty International. Access to West Papua continues to be severely restricted—in recent years journalists, scholars, aid workers, and even Members of Congress have been blocked from visiting.

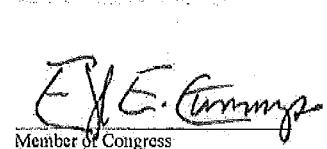
A new way forward must be found to resolve the conflict in West Papua. In 1999 the international community pressured the Indonesian government to grant East Timor the right to conduct an independence referendum. In 2005, on the heels of a devastating tsunami, the Indonesian government signed the historic Helsinki Accord with the independence leaders of Aceh—ending decades of violent conflict in that province. It is time for the international community to step in and help resolve the problems of West Papua.

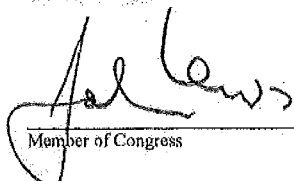
During your first visit back to Indonesia as President of the United States you have the opportunity to bring lasting change to this part of the world. In 1999, a Team of 100 indigenous Papuan leaders had a National Dialog with Indonesian President B.J. Habibie. Over a decade ago, Papuan leaders declared that if their attempts to dialog with Indonesia failed, that they would seek an International Dialog. We urge you to meet with the Team of 100 from West Papua during your upcoming visit and we also hope that you will make West Papua one of the highest priorities of your Administration.

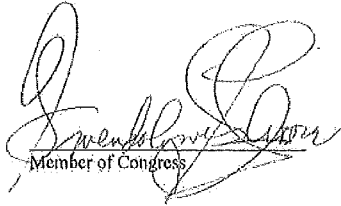
Sincerely,

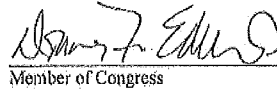

BEN F.H. FALBOMAYABGA
Chairman
House Foreign Affairs'
Subcommittee on Asia, the Pacific
and the Global Environment

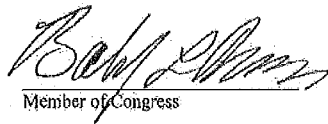

DONALD M. PAYNE
Chairman
House Foreign Affairs'
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and Global Health

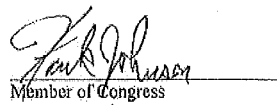

Member of Congress


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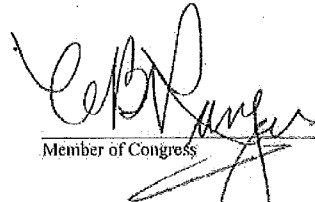

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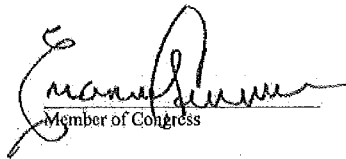

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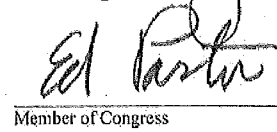

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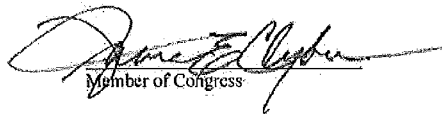

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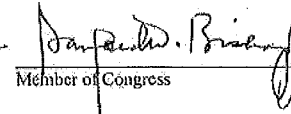

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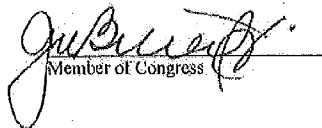

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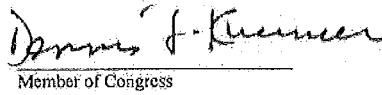

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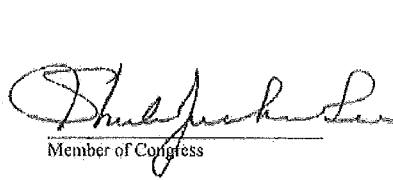

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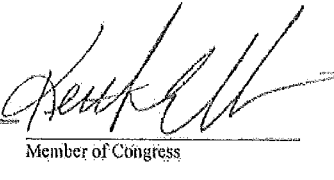

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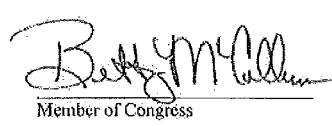

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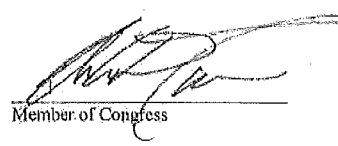

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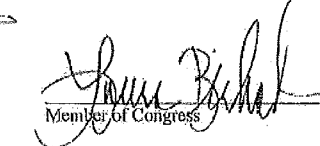

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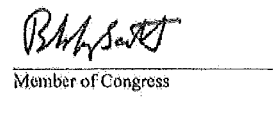

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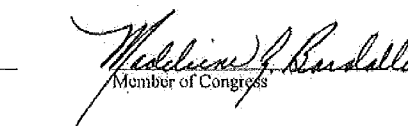

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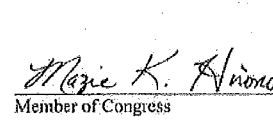

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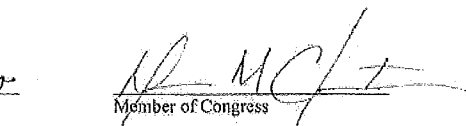

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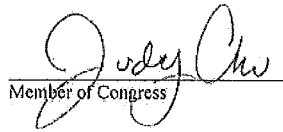

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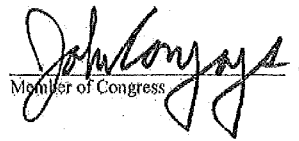

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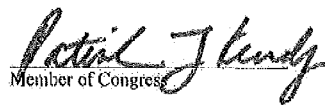

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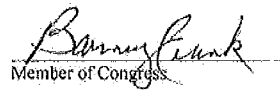

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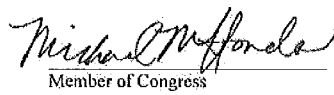

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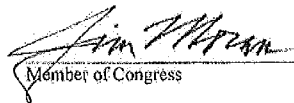

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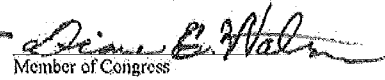

Member of Congress


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Member of Congress


Member of Congress


Member of Congress

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Chairman

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HONORABLE J. KUSLER
Staff Director

DONALD J. CAMPBELL
Deputy Staff Director

STAFF WRITERS
GENERAL COUNSEL AND LEGAL POLICY ADVISOR

ONE HUNDRED ELEVENTH CONGRESS
CONGRESS OF THE UNITED STATES
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

TELEPHONE: (202) 225-5021
HTTP://WWW.FOREIGNAFFAIRS.HOUSE.GOV/

July 21, 2010

KEAN, ROSA PATRICIA, FLORIDA
Ranking Member

CHRISTOPHER SMITH, NEW JERSEY
DAN CLAITOR, IOWA
ELTON GALLEGLY, CALIFORNIA
DAN RUDMAN, CALIFORNIA
DONALD A. MADRUGO, ILLINOIS
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JOHN COON, IOWA
J. GREGG MEYER, SOUTH CAROLINA
CONNIE BAKER, TEXAS
JEFF FORTENBERRY, NEBRASKA
LEONARD E. BLOOM, TEXAS
TED POE, TEXAS
BOB BODDEN, SOUTH CAROLINA
GUS L. SHAW, FLORIDA

VLEEN D.B. POLETT
Republican Staff Director

MIKE C. GAGE
Republican Deputy Staff Director and
Director, Office of International Affairs

DOUGLAS C. JAMESON
Republican Chief Counsel

The Honorable Hillary Rodham Clinton
U.S. Secretary of State
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Madam Secretary:

As a courtesy, we are writing to inform you that 48 Members of Congress, including 35 Members of the Congressional Black Caucus, joined with us in sending the enclosed letter to President Barack Obama.

In our letter, we request President Obama's support in calling upon the Indonesian government to deal fairly with the people of West Papua. There is strong indication that the Indonesian government is committing genocide against the Papuans and, after touting a "Special Autonomy" package for almost a decade, the Indonesian government has failed to implement it and continues to exercise tight control over the population.

We hope that your awareness of Congressional efforts to seek justice for the people of West Papua will help the U.S. Department of State as it continues to shape and implement our country's policy towards the region.

By way of information, we also brought this matter to the attention of Secretary Rice in 2005 with more than 34 Members of CBC joining our efforts, and we will continue to do everything we can for and on behalf of the people of West Papua.

Sincerely,


E. F. FALEOMAVAEGA
Chairman
House Foreign Affairs'
Subcommittee on Asia, the Pacific
and the Global Environment


DONALD M. PAYNE
Chairman
House Foreign Affairs'
Subcommittee on Africa
and Global Health

cc:
The Honorable Kurt Campbell, Assistant Secretary for East Asian and Pacific Affairs

cc LW



United States Department of State

Washington, D.C. 20520

AUG 11 2010

AUG 11 2010

Dear Mr. Chairman:

Thank you for your letter of July 21 expressing your concerns about the Indonesian government's treatment of the people of West Papua.

The Department of State is keenly interested in events in Papua and views Papua as an important aspect of our overall relations with Indonesia. United States' policy recognizes and respects the territorial integrity of Indonesia within its current borders. The United States government does not support or condone separatism in Papua or in any other part of the country. At the same time, we strongly support respect for universal human rights within Indonesia, including the right of peaceful, free expression of political views, and the fair treatment of ethnic Papuans within Indonesia.

Within this context, we have consistently encouraged the Indonesian government to work with the indigenous Papuan population to address their grievances, resolve conflicts peacefully, and support development in the Papuan provinces. The Administration believes the full implementation of the 2001 Special Autonomy Law for Papua, which emerged as part of Indonesia's democratic transition, would help resolve long-standing grievances. We continue to encourage the Indonesian government to further implement the Special Autonomy provisions, which grant greater authority to Papuans to administer their own affairs.

Respect for human rights represents a very high priority for the United States, and we urge the Indonesian government to ensure that its officials adhere to international human rights standards, including in Papua. U.S. Embassy officials regularly raise Papuan issues with national, regional, and local government officials and meet with Papuan leaders in Jakarta and Papua, as well as with civil society organizations who advocate on Papuan issues.

The Honorable

Eni F.H. Falcomavacga, Chairman,

Subcommittee on Asia, The Pacific, and the Global Environment,

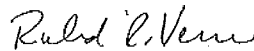
Committee on Foreign Affairs,

House of Representatives.

U.S. Embassy personnel routinely visit Papua to gain first-hand understanding of developments there. We continue to urge the Indonesian government to allow open access to Papua by foreign journalists, human rights monitors, and humanitarian organizations. Beyond engagement on political and human rights topics, ongoing U.S. assistance programs support the development of Papua in key areas, including agriculture, education, environment, and health.

We hope that this information is useful. Please do not hesitate to contact us for further assistance on this or any other matter of concern to you.

Sincerely,



Richard R. Verma
Assistant Secretary
Legislative Affairs







KEDUTAAN BESAR REPUBLIK INDONESIA
EMBASSY OF THE REPUBLIC OF INDONESIA
WASHINGTON, D.C. 20036



CHANCERY
2020 MASSACHUSETTS AVENUE, N.W.
TELEPHONE (202) 775-6200

THE AMBASSADOR

Washington, D.C., September 21, 2010

Hon. Eni Faleomavaega
Chairman of the Sub-Committee of Asia and the Pacific and Global Environment
U.S. House of Representatives

First of all, I would like to convey my warm regards to you and how grateful I am of your continuous attention towards Asia and the Pacific region. I fondly remember our previous meetings in Hawaii and Jakarta.

I am proud to represent my country in America during an exciting time in our bilateral relations. I look forward to working with you and all our old and new friends in America to deepen the United States - Indonesia Comprehensive Partnership, which we expect to be a forward-looking multisectoral partnership based on common interests and mutual respect. In the 21st century, given the rapid transformations both in Indonesia and America, it is time for our countries to move on with the new agenda, and with a new mindset.

I have been informed that, on 22 September 2010, the House Committee on Foreign Affairs will hold a hearing on Papua. I truly hope that the Hearing represents a sincere effort to better understand the complex political, economic and social conditions in Papua, rather than an effort to entertain those who, for a variety of reasons, harbor hostile sentiments against Indonesia – a fellow democracy that has nothing but goodwill towards the United States.

For the benefit of the Hearing, let me register the following points:

Firstly, the national unity and territorial integrity of Republic of Indonesia, of which the provinces of Papua and West Papua are part, is endorsed – both *de facto* and *de jure* - by every member-state of the United Nations. I would advise you to differentiate between those who have honest concerns about Papua, and those who wish to manipulate the House by couching their self-serving separatist intentions.

Secondly, in the island of Papua real democracy has taken root since we in Indonesia began our democratic transition in 1998. Free and fair national elections have been held in 1999, 2004 and 2009. Local elections were also held in 2004 and 2009. As a consequence, the political landscape in Papua has been fundamentally transformed. The Governors, Regents, Mayors in Papua and West Papua are now directly elected by the Papuan voters. Of course, what happens in Papua is only part of a wider historic process of democratization that has swept the country in the last 10 years. But this critical point cannot be missed: self-Government and autonomy are very much alive in Papua.

Thirdly, rather than systematic decline of human rights, there has been systematic improvement of human rights in Papua. According to a report by the International Crisis Group recently, in the last 5 years there has been no incident involving military members in Papua. I can also say that there are no combat military operations in Papua. There may be individual cases of human rights issues, but in Indonesia today, we have an open environment whereby any officials and officers who violate human rights and the law would be brought to justice. This is indeed one of the most visible defining features of the Indonesia's democratic transition.

Fourthly, there is now a tremendous amount of efforts and goodwill to address issues concerning Papua. Keep in mind that, under the decent leadership of President Susilo Bambang Yudhoyono, we have a Government that has successfully promoted peaceful resolution of the 30-year armed conflict in Aceh, based on soft power approach, win-win solution and dialogue. This is a Government that wanted to do the right thing – and did so – for Aceh, and now for Papua. Anyone's best chance to improve the situation in Papua lies in working with this Government – not against it.

Fifthly, the short, medium and long-term solutions to the problems in the island of Papua lies in the successful implementation of special autonomy that has been granted to the provinces of Papua and West Papua. The democratically-elected Governments and people of Papua and West Papua now has control of political decisions, and financial resources (70 % of their provincial revenues) of their island, and what to do with them for their future. We need to do all we can to ensure that they can optimally and effectively use their resources – with the help of Jakarta – to deliver greater progress and prosperity for Papuans.

Sixthly, the real struggle in the island of Papua is not related to fanciful political adventures. Poor infrastructure, diseases especially the serious spread of HIV/AIDS, poverty, education – these are the real problems on the ground, and the ones that keep my Government – and the elected leaders of Papua – on our feet all this time. The development budgets per capita for Papua and West Papua are already the highest among all the provinces in Indonesia, but we need to translate these into better development strategies. We do not pretend to have all the answers, but we certainly hope for sympathetic help from all our friends, including from our American friends.

I count on your support and sincerity to advance these critical issues for the good

of the Papuans and in keeping with the growing partnership between Indonesia and America.

I should be grateful if you could make available this letter to fellow congressmen and those attending the hearing.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Djalal', written in a cursive style.

Dr. Dino Patti Djalal
Ambassador of the Republic of Indonesia
To the United States of America

Testimony of Edmund McWilliams
U.S. Senior Foreign Service (retired)

before the
U.S. House Committee on Foreign Affairs
Subcommittee on Asia, the Pacific and the Global Environment

September 22, 2010

**Crimes Against Humanity: When Will Indonesia's Military Be Held
Accountable for Deliberate and Systematic Abuses in West Papua?**

It is timely and entirely appropriate that the Congress through this hearing undertakes to shed light on the complex and ominous developments affecting security and the human rights environment in West Papua. Ongoing security force repression of peaceful political dissent, military operations that pose life threatening displacement of civilians and systematic abuse of political prisoners combine to raise fundamental doubts about democracy in West Papua and more broadly in Indonesia.

As the U.S. government pursues a comprehensive relationship with Indonesia, it can no longer ignore the reality that policies and practices developed under the Suharto dictatorship persist in this part of the Indonesian archipelago. Papuan civilians who peacefully protest government policies which marginalize them and abusive security force action which target them, are routinely beaten and imprisoned under provisions contained in a criminal code that dates to the colonial era and which were employed by the Suharto military dictatorship to repress dissent. Amnesty International and Human Rights Watch have identified dozens of political prisoners and prisoners of conscience. The U.S. Congress, particularly under the leadership of Patrick Kennedy, has repeatedly raised concern about the plight of these prisoners.

In the remote central highlands of West Papua, periodic "sweeping operations" destroy villages driving peaceful civilians into the forests and mountains where many have died due to a lack of food, shelter and medical care. The military's practice of routinely barring humanitarian assistance to these displaced and desperate civilian populations has exacerbated their suffering.

The security forces also play a direct role in enforcing the government's so-called "development" plans in West Papua which entail expropriation of vast tract of virgin forest on which Papuan villagers depend for their livelihoods. This so-called "development" which targets West Papua's vast natural resources includes often-illegal logging organized or protected by the military as well as fishing and mining operations that have had devastating impact on the natural environment. These perverse development schemes also entail the organized immigration of many

thousands of non-Papuans from other islands of the archipelago to provide personnel for expansive plantations such as one now underway in the Merauke area. These non-Papuans, known as "transmigrants," have over decades so marginalized Papuans that these non-Papuans now constitute the majority in West Papua towns and cities. This policy of "transmigration," and the decades of systematic central government failure to provide Papuans adequate health and education services, employment opportunity, or infrastructure support amounts to ethnic cleansing, with genocidal implications.

The Indonesian government's malign neglect of Papuans, including extending license to security forces to abuse the Papuan people without accountability and encouraging Indonesian and international corporations to exploit West Papuan resources absent benefit to the Papuan themselves, has for the past decade proceeded under the rubric of a policy of "special autonomy" for West Papua. Under this plan, the central government was to have ensured that a significant proportion of the vast wealth flowing from West Papua into government coffers would be returned to West Papua. In reality, most of the funds directed to West Papua through "special autonomy" have been expropriated by a corrupt, largely non-Papuan bureaucratic elite and even by the military for its operations. As a consequence Papuans, in mass demonstrations and in the form of formal resolutions by Papuan civic organizations and the official Papuan People's Council have rejected "special autonomy." Unfortunately, the U.S. Government, like many other governments, has chosen to ignore the reality of broad and explicit Papuan rejection of the Indonesian government's approach to West Papua's myriad and growing problems.

The tragedy engulfing the Papuans remains largely unknown in the international community due to the successful effort over decades reaching back to the Suharto dictatorship to restrict access to West Papua by journalists, diplomats as well as international research personnel from the UN, human rights and humanitarian organizations and academia. Over the past 18 months the Indonesian government has closed the offices of the International Committee of the Red Cross and the offices of a Dutch charitable organization that had operated in West Papua for over three decades. You yourself Mister Chairman experienced severe restrictions in a visit to West Papua.

The current U.S. administration under President Obama is unfortunately pursuing a broadened relationship with the Indonesian government, largely oblivious to the suffering of the Papuan people and to the threats posed to democratization in Indonesia generally by unreformed and unaccountable Indonesian security forces. In so doing it is on a course set by previous U.S. administrations for which democratization and human rights were only tangential concerns. The 2009 failure of the Indonesian military to meet a five-year legal deadline to divest itself of its vast empire of legal and illegal businesses, a deadline which passed on the Obama Administration's watch, will enable the military to continue to evade civilian control.

In many ways the current U.S. Administration has demonstrated even less concern for human rights as it has significantly ratcheted up military-to-military relations with the Indonesian military. It recently announced a resumption of ties even to the most abusive and unreformed element of the Indonesian military, the Indonesian "special forces" (Kopassus). For decades Kopassus troops have taken the lead in terrorizing the Papuan people. Kopassus officers were responsible for what Indonesian courts described as the "torture-murder" of Papua's leading political figure, Theys Eluay in 2001. The Kopassus officers and enlisted personnel who engaged in this crime received a maximum sentence of 42 months, a sentence far lighter than Papuans convicted of peaceful political dissent typically receive. A June 2009 Human Rights Report detailed Kopassus use of torture to intimidate Papuan civilians in the Merauke area of West Papua. As is common in Indonesia, none of the Kopassus personnel identified in the HRW report have been held accountable for their crimes.

The U.S. is responsible for the 2003 creation of a special unit, "Detachment 88," which was initially intended to address terrorist activities in Indonesia. The U.S. remains a key funder of this unit. Since its inception this unit has been credibly accused of use of torture and other illegal actions by reputable Indonesian and international human rights organizations. In recent weeks its particularly brutal actions in the Maluku islands have led the Indonesian government to restrict its area of operations, though official's statements indicate it will continue to operate in West Papua. In December of 2009 Detachment 88 personnel were part of a security force that captured and killed Papuan pro-independence figure Kelly Kwalik. Kwalik was allowed to bleed to death from a thigh wound while in custody.

To its great credit, the U.S. Congress for many years has monitored and raised concern about human rights abuses in West Papua. You Mr. Chairman have been a particularly articulate and strong proponent of Papuan rights and for accountability of abusive security forces there.

While the stated intention of the Obama Administration to develop a more comprehensive relationship with a democratizing Indonesia is appropriate and commendable, the United States must not ignore the threat to Indonesian democracy and expanding abuse of human rights posed by rogue and unaccountable security forces. Nowhere in the Indonesian archipelago is that threat and those abuses more apparent than in West Papua.

Mr. Chairman; a June 2010 letter which you and several score of your colleagues in the House addressed to President Obama urged that he assign the "highest priority" to West Papua with regard to U.S. foreign policy towards Indonesia. It is vital that the Administration pay heed to this very timely advice.



WEST PAPUA NATIONAL CONSENSUS
(WEST PAPUA NATIONAL AUTHORITY)
PO Box 1093, Windsor 3181, Victoria, Australia
Telephone/fax: + (61 3) 95102193; Email: wpna.fa@gmail.com

No: 1002/fo-wpna/wpnc-US-cgrss/22-09-10
Subject: Request to The US Congress.

22 September 2010

Jacob Rumbiak
Foreign Affairs, West Papua National Authority
WEST PAPUA NATIONAL CONSENSUS
3/114 Wellington St, St Kilda, Victoria 3182, Australia
tel: + 61 3 9510 2193; email: jacobrumbiak@hotmail.com

Hon. Eni F. Faleomavaega (D-AS)
Chairman, Subcommittee on Asia, The Pacific and the Global Environment
Committee on Foreign Affairs
US House of Representatives
2422 Rayburn Office Building, Washington, D.C. 20515-0128
tel: + 1 202 225 8577; email: faleomavaega@mail.house.gov

Salutations Hon. Faleomavaega

In anticipation of little change to the Indonesian Republic's incapacity to govern the Melanesian people of West Papua, I am writing to request the US Congress consider supporting

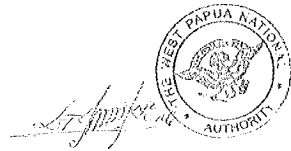
- (1) The re-insertion of West Papua on the UN Decolonization List
- (2) West Papuans' inalienable right to self-determination in terms of the recent ICJ ruling on Kosovo
- (3) An international fact-finding and peace-keeping mission to West Papua immediately.

You will recall Indonesia's militarization of West Papua is now in its 48th year, and that its genocidal policies and practices against the Melanesian indigenous people is fast rendering us a minority in our own homeland. You are no doubt aware of the demographic study by researchers at Sydney University in 2007 demonstrating 546,000 'missing' Papuans since the beginning of the Indonesian occupation in 1962.

There is ample evidence that our situation has not changed since the introduction of democracy in Indonesia in 1998, nor since the election of President Yudhoyono in 2004. Just this week, on 15 September, an elderly Protestant pastor, his wife, and his son were shot by BRIMOB police in Manokwari. Rev. Nataniel Kwan and his son Septinus expired immediately, Mrs Kwan is still in a critical condition.

The West Papuan people believe that the United States of America, as one of the architects of our subjugation, has the capacity and should have the will to begin addressing their pain and suffering in ways that do not undermine or diminish America's historic relationship with the Indonesian Republic

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Jacob Rumbiak', is written over a circular official stamp. The stamp features a central emblem and the text 'THE WEST PAPUA NATIONAL AUTHORITY' around the perimeter.

Jacob Rumbiak
Foreign Affairs, West Papua National Authority (West Papua National Consensus)

cc

Hon. Senator Patrick Kennedy

Hon. Forkortus Yaboisembut SPd (Chairman, Papua Customary Council; West Papua National Consensus)

Hon. Rev. Edison Waromi LLB (President, West Papua National Authority; West Papua National Consensus)

Hon. Emr. Rev. Herman Awom S.Th (Moderator, Papua Presidium Council; West Papua National Consensus)

arsip

WHAT'S THE PROBLEM?



US—UN—RI POLITIK 1962-2010
US President John Kennedy & RI President Sukarno preparing for the UN New York Agreement (1962).

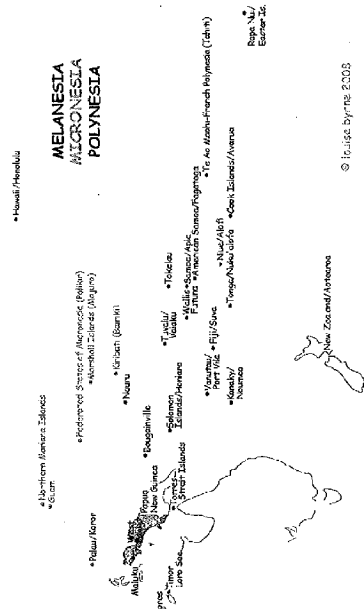


TREATMENT OF MELANESIAN PAPUANS
1962-2010 Political assassination of political activist Tolera Wigen on 3 August 2008.



TREATMENT OF MELANESIAN LAND
The muddy Aikwa River where the Freepoint mine dumps 150,000 tons of waste a day (National Geographic, March 2001).

US CONGRESS, WASHINGTON 2010
WEST PAPUA'S CASE FOR INDEPENDENCE



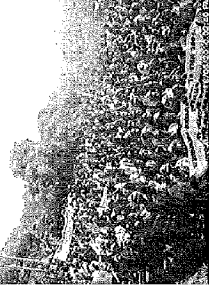
© Louise Byrne 2008

WEST PAPUA NATIONAL CONSENSUS
"We are ready, and cannot afford to wait any longer"

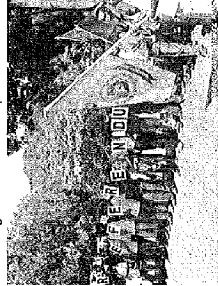


Formally renouncing the Indonesian occupation
Papua People's Assembly and Papua Regional
Legislation, Jayapura, 18 June 2010

WHAT DO PAPUANS WANT?



WERDEKA VIA REFERENDUM
Renouncing the Indonesian occupation, 18 Jun 2010



WEST PAPUANS REQUEST THE
US CONGRESS TO:-

SUPPORT the reinsertion of West Papua
on the UN Decolonization List

CONSIDER West Papua's self-determination
in terms of the ICJ ruling on Kosovo

SEND a fact-finding peace-keeping
mission to West Papua immediately



THE PROBLEM—US, UN & INDONESIAN POLITICS



In 1962, US President Kennedy forced the Netherlands to sign a peace treaty with Indonesia. The New York Agreement transferred colonial-West Papua from Holland to Indonesia, and undermined Indonesia's military relations with (communists) Russia.

There are now 546,000 'missing' West Papuans, but in the context of the Cold War, no one questioned the sacrifice of Melanesian land and people. President Kennedy dismissed the people as 'just 700,000 cannibals', even though two Melanesians, Bikuti Gasa and Eroni Kumana, saved his life during World War II. (The Solomon Island policemen found Kennedy and his crew washed up on Plum Pudding Island after being bombed by the Japanese, and rowed 35 kms to the nearest US base carrying a message on a coconut shell. Kennedy always kept the shell on his presidential desk).

Because the New York Agreement was tied to a United Nations resolution (GA Res. 1752, 21 Sept 1962) and bound the UN to a referendum (act of 'free choice'), the Indonesian occupation has always been an international political issue, not a domestic Indonesian issue.

Numerous legal experts have proved the Indonesian Republic denied the West Papuans' their inalienable right to self-determination in 1968. Human rights organizations, environmental lobbyists, and socio-political analysts have consistently reported on Indonesia's abusive governance of West Papuans. Suharto's genocidal policies have been maintained by his successors—Presidents Habibie, Wahid, Sukamoputir, and Yuchoyono.

WEST PAPUA SOLUTION



Since the discharge of Suharto in 1998, Indonesian governments have sought to re-insure their international donors of their democratic intentions. They have insisted that decentralisation in the form of Special Autonomy would saluate Papuan demands for independence,

which they claim are underpinned by social problems not political issues. There has never been much support in West Papua for Special Autonomy, and on 12 August 2005, a representative group of civil society 'sent it back' to Jakarta. Since then there has been a comprehensive effort by civil as well as political leaders to develop a Papuan transitional government that will, through the application of legal and political principles, deliver peace, justice, and independence.

In May 2003, a meeting of civil rights and political organizations, organized by West Papua's influential student movement, invited the Papua Presidium Council (which organized the 2nd Papuan Congress in May 2000) to accept responsibility as National House of Representatives. The West Papua National Authority was asked to continue working as national transitional government through its two deputy chairs. Since then, these two organizations, as the Papua National Consensus, have been responsible for all political development in West Papua. Civil organizations (the Moral Force) are responsible for human rights and socio-cultural development, and religious institutions for the carriage of peace and justice. The Papua Customary Council is responsible for the protection of tribal lands, natural resources, and traditional law and government.

On 9-10 June 2010, the Papuan Peoples' Assembly (MPR) met 28 civil organisations to evaluate the success of Special Autonomy, and concluded that it had failed across all political social cultural and environmental measures. A week later a procession of ten thousand Papuans—including government bureaucrats and religious leaders—led by the West Papua National Authority and the Presidium escorted the MPR to the provincial legislature (DPRD) to return Special Autonomy to Jakarta, effectively renouncing Indonesian rule.

PAPUA PEOPLES' ASSEMBLY RECOMMENDATIONS 9-10 JUNE 2010



1. Social Autonomy to be handed back to the Government of the Republic of Indonesia
2. Dialogue between the Papuans and the Indonesian government mediated by an international agency

3. A referendum directed towards political independence

4. The Indonesian Government to recognize the sovereign rights of West Papuans proclaimed on 1 December 1961
5. The Papuan people urge the international community to embargo international aid for 'special autonomy'

6. Derogate Law 35/2008 for revision of Law 21/2001 (Special Autonomy) in Papua and West Papua provinces

7. Request the governors of Papua and West Papua, the Papua Peoples' Representative Council/DRP, the DPRP/West Papua, and district heads and mayors to discontinue providing funds for the up-coming election of district heads

8. The imposition of strict supervision on the migration of people from outside to the land of Papua

9. The release of all Papuan political prisoners

10. The demilitarisation of the land of Papua

11. The closure of the Freeport Indonesia company operations

WANTOK BLONG YUMI BILL VANUATU PARLIAMENT, 19 JUNE 2010

The UN General Assembly to seek a ruling by the International Court of Justice on the New York Agreement by which West Papua was ceded from the Kingdom of the Netherlands to the Republic of Indonesia in 1962 and removed from the UN Decolonization List in 1968.

Jacob Rumbiak
Foreign Affairs, West Papua National Authority
(West Papua National Consensus) 22 Sept 2010

PAPUAN PEOPLE`S CONSULTATIVE ASSEMBLY
AND
INDIGENOUS PEOPLE OF PAPUA
Jayapura, June 9-10 2010

June 14, 2010

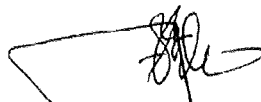
RECOMMENDATIONS

In accordance with statement of the Papuan People`s Consultative Assembly and Indigenous Papuan groups that Special Autonomy Law 21/2001 which has been in force for nine years, has FAILED, the following recommendations were agreed:

1. That the Special Autonomy Law should be handed back to the Government of the Republic of Indonesia.
2. That the Papuan people demand that DIALOGUE be held mediated by a neutral International mediator.
3. That the Papuan people demand the holding of a REFERENDUM directed towards political independence.
4. That the Papuan people demand that the Government of the Republic of Indonesia recognises the restoration of the sovereignty of people of West Papua which was proclaimed on 1st December 1961
5. That the Papuan people urge the International community to impose an embargo on International aid being provided for the implementation of Special Autonomy in the land of Papua.
6. That there is no need to for revisions to be made to Law 21/ 2001 on Special Autonomy for the Province of Papua and West Papua with reference to Law 35/2008 on Revision of Law 21/2001 bearing in mind that the said Law in proven to have FAILED.
7. That all proceedings for the election of heads of district throughout the land Papua should be halted and call on the Governor of Papua and Governor of West Papua, the DPRP, the DPRD-West Papua and district heads and mayors throughout the land of Papua immediately discontinue the provision of funds for the holding of these elections.
8. That the central Government ,the Province of Papua and the Province of West Papua as well as districts and municipalities in the land of Papua end transmigration from outside Papua and

- impose strict supervision on the flow of migration by people from outside the land of Papua.
9. That the Papuan people urge the Central Government, the Government of Province of Papua and the DPRP and the DPRD West Papua to release all Papuan Political prisoners being held in prisoners everywhere in Indonesia.
 10. That the Central Government immediately carry out demilitarisation throughout of the whole land of Papua.
 11. That the consultation held by the MRP and Papuan indigenous groups calls for the Freeport Indonesia company to be closely down immediately.

Sincerely


Fortorus Yaboisenbut, S.Pd
 Ketua Umum Dewan Adat Papua

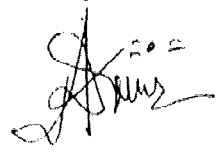

Salmon Yumame, SE, MM
 Forum Demokrasi Rakyat Papua Bersatu

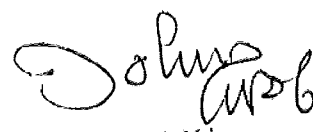

DR. Benny Giay
 Tokoh Agama


Don Agustinus L. Flassy, MA
 Dewan Presidium Dewan Papua


Pdt. Hiskia Rollo, STh
 Toko Agama


Abina Wasanggai, S.Pd
 Solidaritas Perempuan Papua


Albertina Dani
 Solidaritas Perempuan Papua di Papua Barat


Drs. John Wob, Msi
 Sekretaris Dewan Adat ANIM HIA

PAPUAN PEOPLE`S ASSEMBLY

STATEMENT OF THE PAPUAN PEOPLE`S ASSEMBLY
NUMBER :02/MRP/2010

REGARDING

RESULTS OF A CONSULTATIVE BY
THE PAPUAN PEOPLE`S ASSEMBLY AND INDIGENOUS PAPUAN GROUPS
REGARDING RESPONSIBILITY OF IMPLEMENTATION OF
SPECIAL AUTONOMY LAW 21/2001 FOR PAPUA PROVINCE
=====

PAPUAN PEOPLE`S ASSEMBLY

Whereas :

- a. the special autonomy law 21/2001 was created as a special policy purpose of improving the welfare of indigenous people of Papua in general;
- b. implementation of law 21/2001 which has been in force for 9 years, has failed to afford justice, provide for the welfare of indigenous peoples or protect their basic rights generally, but instead has generated many conflicts involving the indigenous people and Indonesia government;
- c. in accordance with Paragraph b, the Papuan people have rejected law 21/2001 for Province of Papua;
- d. In accordance with paragraph b and c, the Papuan People`s Assembly (MRP) has instituted a consultation with Papuan groups which convened June 9-10,2010;
- e. the duty and responsibility of the MRP, according to article 20 of law 21/2001, is to manifest the aspiration, and to issue appeals on behalf of indigenous people, including religious groups, women and broader community regarding the rights of the indigenous people of Papua and facilitate their realization;
- f. the june 9-10,2010 consultation reached agreement to recommend to the MRP that it take action in accordance with duties, and fuctions;

- g. that considering paragraphs a,b,c,d,e the MRP must to affirm the results of consultatation with a formal statement .

and recalling that :

1. Law :12/1969 regarding the creation of the Province of West Irian and districts in Province of West Irian (noted Indonesian document in 1969 :47 and addition documents such as Indonesian documents No. 2907);
2. Law 21/2001 regarding Special Autonomy for the Province of Papua (Indonesian documents No. 4151); as amended by law 35/2008 regarding regulation of state, replacing law 1/2008 regarding amendment to law 21/ 2001 regarding special autonomy for the Province of Papua becomes law, Indonesian state documents in 2008 No. 57,addition state documents No. 4643;
3. State regulation No. 54/2004 Regarding MRP (State document in 2004 No. 165, Addition state documents No. 4461) as amended with regulation No.64 /2008 regarding MRP (state document in 2008 No.140,addition state documents No.4900);
4. Special local regulation for Province of Papua No. 3 /2008 regarding rights and duty of MRP (Local regulation in 2008 No. 3);
5. Special Local regulation for Province of Papua No. 4/2008 regarding duty and responsible MRP, (Local documents in 2008 No. 4);
6. Statement of MRP No. 1/MR/2005 regarding regulation of MRP's rule

Concerning :

1. The Results of the June 9-10, 2010 Consultation between Papuan people's Assembly (MRP) and Papuan Groups regarding the responsibility for implementation of law 21/2001 regarding Special Autonomy for Province of Papua;

2. And the June 16 ,2010 convocation of the Papuan People's Assembly in Jayapura at which members decided;

- FIRST : The MRP accepts the results of the June 9-10, 2010 Consultation between the MRP and Papuan Groups;
- SECOND** a The MPR will present those conclusions of the June 9-10 2010 Consultation to the Governmnet of Indonesia and to the Governmnet of both Provinces in Papua including specifically:
- 1) The Governmnet Indonesia i.e.,to the President, Parliaments (DPR RI dan DPD RI).
 - 2) Local Governmnet of both Provinces in Papua.
 - 3) The Provincial Parliaments (DPR Papua dan DPRD West Papua Province).
 - 4) Local Government of Districts/ Mayors throughout both Provinces.
 - 5) Districts Parliamentary bodies and Mayors throughout both Provinces.
 - 6) Religious Institute, Papua Customary Council, Papuan Women Solidarity organization, and Political organizations in both Provinces of Papua.

b. All Central Governmnet and Local Government decided above, are invited to offer responses regarding the results of the June 9-10,2010 Consultation.

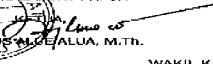
- THIRD : MRP takes responsibility for these Consultation Conclusions and results in accord with its functions.
- FOURTH : These results take effect on the date of their completion.

Sincerely

Ditandatangani di : Jayapura
Pada tanggal : 16 Juni 2010



WAKIL KETUA
Ir. FRANS A. WOSPAKRIK, M.Sc.



WAKIL KETUA
Dra. HANA S. HIKOVARI



THE WEST PAPUA NATIONAL AUTHORITY (WPNA)
FOREIGN AFFAIRS REPRESENTATIVE
SEVEN STAR AREA - P.O. BOX 530
PORT VILA - REPUBLIC OF VANUATU

MOBILEPHONE : 00678 7749322, E-MAIL : theguiding1star@hotmail.com



Port Vila, September, 3rd, 2010.

Number : 0112/FAR-WPNA/P-V/a.2010.
Enclosure : 1 (one) bundle of documents
Subject : Visit the US President to West Papua

SEP 21 2010

To:

Hon. Rep. Fni F.H. Faleomavaega,

Chairman, Subcommittee on Asia, the Pacific and the Global Environment

and,

Hon. Donald M. Payne,

Chairman, Subcommittee on Africa and Global Health of the U.S. Congress.

Dear Mr Faleomavaega and Mr Payne,

On behalf of the West Papuan People, we would like to express our sincere thanks and appreciation to 50 members of the US Congress, including the Congressional Black Caucus and the Hispanic Caucus and other American leaders who are long-time advocates of human rights, in the leadership being shown in Congress calling upon President Barack Obama, to "make West Papua one of the highest priorities of the Administration." Thank you also for your request to Mr President to visit West Papua and meet with the Team of 100 from West Papua, who on 26 February 1999 met the Indonesian President, His Excellency B.J. Habibie.

In the matter of visiting West Papua, please allow me to advise President Obama through the Honourable Congressmen concerning the following:

The West Papuan People have had personal experience of the Indonesian military, government and people for 48 years, so they are well aware of the sly tactics that Indonesia always uses to win. To put it bluntly, President Obama, before visiting Indonesia and West Papua, has already defeated the purpose of his visit. Indonesia, since its occupation on West Papua on May, 1st, 1963, as well as the illegal and sham act of Free Choice in 1969, were fully supported by the US, and still tries hard to keep West Papua as a part of Indonesia as a rich resource for Indonesia.

So Indonesia's authorities will bring the President to pre-prepared places, villages or communities, and they will tell about the beneficence of Indonesia and the good aspects of its rule, and that they still desire to be with Indonesia for longer time or for ever, and up till now Indonesia has done nothing wrong against the West Papuan People, etc, etc. But President Obama will be never permitted to visit those West

Papuans who really suffering and free to speak. Citing security, the Indonesian police and military will guard the President and no West Papuans will be allowed to meet him to tell him how it really is.

The West Papuan Authorities in the Government and the Parliament are also of no use, because they represent the Indonesian Government and are in the Indonesian authority system – they will never act outside what the system allows them to do; they will never represent to the President the West Papuan people's aspiration for independence.

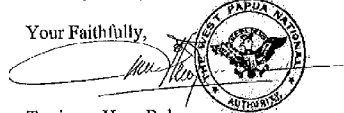
We salute the recommendation that the President meet with the Team of 100 from West Papua during his upcoming visit. If he does so President Obama has the opportunity to bring lasting change to this part of the world which for so many years has been closed to the outside world. Nevertheless we have grave fears that before they have the chance to meet the President, the same threats and terror could happen to this Team 100 that happened to the 1026 oppressed West Papuans to cut their tongues out in the "Act of Self Determination for West Papua in 1969" in order to remain a part of Indonesia.

This is only advice seen from the side of a West Papuan fighter for freedom and struggler for independence for more than 48 years long and now as an unknown West Papuan diplomat in a Melanesian Country in the South Pacific. I ask respectfully that you convey to the President that he hears and respects our voice.

To complete this advice letter, enclosed I send you also here 1(one) bundle of Documents that maybe are important for your needed data's

I thank you very much for your consideration.

Your Faithfully,



Terrianus Hans Bukorpioper

West Papuan Foreign Affairs Representative.
West Papuan National Authority
PO Box 530
Seven Star Area
Port Vila – Republic of Vanuatu
Mobilephone : 00678 7749322
E-mail : theguiding1star@hotmail.com

cc.

1. Hon. Edison Waromi SH, Executive President of the West Papua National Authority(WPNA)-
West Papua National Consensus,
2. Hon. Rev. Terrianus Isr. Yochu, President of the WPNA Congress – West Papua National Consensus
3. Hon. Rev. Herman Awom STh, Moderator PDP- West Papua National Consensus
4. Hon. Drs.Don A.L. Flassy, MA, Professional Pilar PDP- West Papua National Consensus.

ON THE WAY TO A FEDERATION OF MELANESIA
AFTER THE ENDING OF SLAVERY AND COLONIALISM

Amapon Jos Marey, Oxford, 6 February 2010

1. Introduction

First of all, as tribal chief of Waropen in the Saireri bay, I would like to express my gratitude on behalf of Papua's Melanesian people to Oxford University, distinguished professor Pieter Drooglever and One World Publishers for this special Papuan seminar.

On this fine historical day for the Papuan people, I would like to tell you about what we so-called 'primitive' Papuan people feel and experience until today on basic humanitarian matters as slavery, freedom and democracy practised by so-called 'highly civilized' people and independent countries. And I would like to tell you about my personal experiences before I was forced to leave West Papua.

2. Papua Melanesian sovereignty

Each piece of land in the whole of Papua, Melanesia is tribal land. Every tribe is the authentic owner and master of his land. Yes, our ancestors and grandfathers lived in a tradition of tribal protection by tribal wars. Generation after generation they had the tradition of protecting, keeping and preserving our land, our mountains, our jungles, the coasts, seas and rivers, our habitat, for us, our children and our grand children and next generations. They used to protect the people and the whole land against foreigners. Because we call our land: Mother Earth. We have been born there and our birth blood was shed on to that particular ground, that earth. The land and the sea has supplied us with our food and we can breathe its air. In the same ground and same earth we will all be buried. In Malay we said: Tanah tumpah darah. So every plot of land in Papua and the whole of Melanesia has belonged to the tribes. Our Melanesian people have the sovereignty over Melanesia!

The Western interpretation of government's sovereignty according to Jean Bodin (1550- 1596): "la puissance absolue et perpetuelle d'une republique" is not relevant for Melanesia. In Papua's Melanesian tradition, every foreign domination is a form of occupation and slavery. You called it in your tradition: colonialism. That was why our ancestors, our grandfathers fought against the slave traders. And that was why our fathers and brothers joined the Western Allied Forces to fight Japan. Fighting against colonialism, fighting for the freedom of our country, for the freedom of all people in the world.

3. *Fight against slavery*

First our grandfathers fought against the slave traders of the Amberis: Indonesians, Indo-Asians, and Chinese slave traders. They defended our people and fought for our freedom and human rights. None of the races and nations in the world had ever wished to be slave and dominated by another race. Like all races, our ancestors and our grandfathers fought against slavery.

These were the experiences of my own family on the matter. My grandfather Sera Bawa Dedui Erari and grandmother Mosaba Wittosssi from Nubuai village in Waropen have told us about two of their sisters who were robbed by Amberis from Tidore and sold to China as slave. We have never heard anything about them ever since.

So our grandfathers and grandmothers fought against the Amberis for centuries. They fought against the Indonesian sultans of Tidore, Ternate and Ceram, who robbed Papuan people from 1500 to early 1900. From Tidore, Ternate, Ceram they used to hold raids of hongi, with fully armed kora-kora proa's or vessels, against the Papua people on the North-, West- and Southcoast.

Missionary Freerk Christian Kamma, who had worked in West Papua from 1931 to 1962, wrote in his book 'Dit Wonderlijke Werk part I, on page 57 and 58 about the men robbing. I quote: "The inhabitants of New Guinea and the surrounding islands had been marked as slaves on the island of Tidore and were as such hired by Ternate people". "The Tidorese received the slaves as tribute or they had robbed them. The Ternatans did buy the slaves during their trade travels on Anus islands in Saireri bay, the westcoast of big island Japen. Only in 1879 Papuan slaves had been bought out. In that time were more than 4.000 slaves." End quote.

That was the reason our grandfathers fought against every vessel that came from Indonesia and Asia to our country. Even the vessels of the European discoverers, like the Portuguese, Spanish, British and the Dutch from the fourteen to eighteenth century. Two of the great Papuan heroes who fought against slave traders were Goerabessi from Biak and my grand grandfather Faidari Erari from Waropen.

However the slavery as practised in America and Europe has took an end in 1860.

Was this really the end of the slavery activities for all races in the world?

4. *Fight for freedom*

Then our parents joined the Allies Forces fighting for freedom in the Pacific. No race and people in the world wishes to be dominated by the other, so the Papuan people. During the Second World War against Japan in the Pacific, our fathers and brothers joined many brave American, European soldiers, marines

and pilots to fight for the freedom of the world in the jungle of Papua. Young brave Papuans as soldiers of the Papua Battalion and the Papua Islands Regiment took part in the Allied jungle operations. They joined Supreme Commander of the Allied Forces General Douglas Mac Arthur and his Deputy Supreme Commander Lieutenant General Richard A. Wheeler of the US Army. Their headquarters was on the hills of Ifar, Hollandia, the capital town of West Papua. Colonel Lyndon B. Johnson had served at the Headquarters. Air Force pilot Richard Nixon was in Biak and Lieutenant John F. Kennedy was in the Solomon Islands on the north coast.

I quote from "The Pacific War Encyclopaedia" page 343: "In 1943, by then a lieutenant, he (John F. Kennedy) was made commander of PT (boat) 109, in the Solomon Islands (of the north coast of New Guinea). He saw a great deal of action. On the night of 2 August 1943 PT-109 was rammed and sunk by the Japanese destroyer Amagiri. Kennedy managed to swim four miles to a nearby island, while pulling a wounded shipmate. Rescued several days later through the assistance of Solomon Islanders." End quote.

His rescuers were Benjamin Kevu, who speaks English, Biuku, Eronie and other three friends.

Why do I mention those historical facts of Lieutenant Kennedy, Commander of the PT boat, who became the famous president of the United States ?

Because he was the president who in 1962 handed over the people of his rescuers to be slaves and colonised again ! He presented the people of his liberators on the slaughter block.

5. Close cooperation between Australia and the Netherlands for the freedom of the Melanesians

The official end of the annexation and partition of the mainland of Melanesia, PNG and West Papua, happened in the bay of Port Moresby on 6 November 1884. Commodore James Elphinstone Erskin, Captain in the Royal Navy proclaimed the annexation of the Southeastern part of Papua for the British on board of Naval ship Nelson by handing a ebony stick with a florin on the top of it to Motu tribal Chief Bocvagi. Then Germany followed this by hoisting their flag in Kaiser Wilhelmshaven, as annexation of the northern part which they called Kaiser Wilhelmsland, on 16 November, the same year. Before this had happened it the Dutch did their claim on West Papua since they have settled and renamed East Indies in the Netherlands East Indies. At several periods they announced the 141st Meridian of East Longitude was the east boundary. With the proclamation of Commodore James Elphinstone Erskin the mainland of New Guinea or Papua was cut into three parts, like a piece of cake. That was the ebony stick of colonialism of Chief Bocvagi!

Soon after the Second World War real contact between the Australian and the Dutch governments was intensively.

The Papuan people on both sides of Papua were very pleased and grateful. Because it is inhuman to have an impregnable wall between families in the same house. There were regular consultations between Governor Van Baal and Administrator Cleland. Minister of Territories Paul Hasluck from Canberra and Theo Bot from The Hague were regular visitors of Hollandia and Port Moresby.

On 6 November 1957 an official agreement between Australia and Netherlands was signed in Canberra, in which they announced the responsibility to develop and lead the people of Papua to independence. Liaison Offices were opened in Hollandia and Port Moresby by exchanges of ambassadors. The famous jungle pioneer and Commissioner of Central Highlands in Wamena, Raphaël Den Haan, was the First Liaison Officer or Ambassador from West Papua to PNG in Port Moresby in 1958. There was intensive cooperation in the fields of administration, education, health, technology, cultural, social-economic and development of democracy, which was much appreciated by the people. Papuan civil servants built institutions for democracy, regional and national councils, organizing information campaigns for democratic elections.

Sir Dallas Brooks, Administrator of the Government of the Commonwealth of Australia had opened the new Legislative Council for Papua New Guinea on 10 April 1961 in Port Moresby. In Hollandia, West Papua, the New Guinea Council was opened on behalf of Queen Juliana of the Netherlands by Minister Theo Bot of Internal Affairs on 5 April 1961. In November, the New Guinea Council adopted the Papuan Morning Flag and National Anthem which was accepted on 19 October 1961 by the tribal chiefs and national representatives of West Papua. The Dutch Parliament had ratified the resolution containing the flag of the New Guinea Council and it was sanctioned by Queen Juliana on November the same year. Her Majesty Juliana stated that only West Papua itself could choose the time for her independence.

6. Declaration on the Granting of Independence to Colonial Countries and Peoples; the UN adopted Resolution 1514 (XV) of 14 December 1960

After the Second World War most colonized countries started a struggle for independence. Most of those countries had to fight a bitter war against their colonial masters. Mahatma Gandhi led the Indian people in a peaceful struggle for freedom against the British. Meanwhile Kamau Ngenggi or Yomo Kenyatta was leading his Mau Mau guerilla war for independence in Kenya. Like the Israelis who fought against the British and Arabs to establish a Jewish state in Palestine. The Japanese army supplied weapons to Soekarno and his nationalist Pemuda to fight the Dutch 'police actions' in the Netherlands East Indies. Most of the African countries became independent in the early 60-ies.

7. The Pacific Commission must prepare Melanesia, Polynesia and Micronesia for their independence before the end of 1970

The principle of sovereignty of the colonial countries was record in Article 73, 75 of the Charter of the United Nations after the Second World War on 25 October 1945. Therefore the Governments must submitted annual reports on the development of their colonial countries to UN Trusteeship.

On 6 February 1949 the regional South Pacific Commission was founded by the Governments of the Pacific to cooperate on further development of administration, education and cultural, health, technology, social-economic and democracy. When Resolution 1514 (XV) was adopted the Self determination of the colonial countries has become real. Soon the Governments of Australia, France, Great Britain, the Netherlands, New Zealand and the United States of America must took an end.

People in the Pacific had to be prepared for their independence. The Governments have realized that the better preparing of the colonies, the better they would succeed after all.

We experienced a new ambition of the governments on the mainland of Melanesia: Papua New Guinea and West Papua, and on the smaller Melanesian islands Solomon islands, Vanuatu, New Caledonia and Fiji, and also in Polynesia and Micronesia. Governments assisted the population in developing their social-cultural lives according good Melanesian traditions. People of the South Pacific nations could intensify contacts by a better infrastructure on land and sea. We went through a decennium of rapid western development, modernization and an atmosphere of harmony and peace. It was like jumping from the stone age to the atomic era.

Starting in September 1958 I worked with the Government of Netherlands New Guinea and I witnessed the developments as the first Papuan journalist in West Papua. I wrote articles in the weekly "Pangantara" and monthly "Triton". In 1959, one year later, I became Secretary of the Netherlands New-Guinea or West Papua preparing Committee for the South Pacific Conference. Our suggestion, which the South Pacific Commission adopted as policy was *The Hospitation of the youth in the urban communities*. Boarding houses for unemployed youth in the urban communities. The governments took care of jobs and the youth went to school again.

There were intensive student exchanges for higher education between Port Moresby, Hollandia, Suva, Honiara, Tulagi, Australia and the Netherlands. The youth from Sorong to Samarai, from Noumea to Suva, from Apia to Honiara and Mapia was full of idealism and wanted to transform the Melanesian tradition of isolated tribal collectivism into a modern all Melanesian open society in respect, keeping the Melanesian good values and norms, trust, fidelity, peaceful and in harmony with the neighbours. We wrote letters about building a Peaceful Melanesian society in the Pacific as an answer to Asian and Western

Society. We wrote each other. I wrote several letters to my friends Michel on Manus island, Albert Klinck in Wewak, John Kaputin, to friends in Samarai en Suva. The dream of the youth of Melanesia had started to glitter like the Morning Star on the night blue sky of the South Pacific.

8. Papuan leaders took steps for independence and realization of the Federation of Melanesia

The Western style of democracy was introduced with regional and national parliaments instead of the traditional Ruriia, the tribal consultation institute with the tribal chief matai, bobot, sera bawa and ondofo as primus inter pares.

When I was a journalist from 1958 until September 1960 I wrote about the governments' development activities of both West Papua and Papua New Guinea, and other islands in South Pacific. I was also adviser of Governor Platteel of Netherlands New Guinea on Youth Affairs in Hollandia. After that I became civil servant and Assistant of Minister Bot of Ministry of Internal Affairs in The Hague. So I witnessed some meetings of our Papuan leaders. As usual in Melanesian private traditions of One Tok, where dreams and ideals could freely talked about. The meetings were held at several places, at several times: in Hollandia, Rabaul, Goroka and Port Moresby; between 1958 and 1962. I watched the meetings of our leaders dr. John Dowglas Guise, dr. Reuben Taureka, Kondom Agaundo, Nicholas Brokam, Ephraim Jubilee, Somu Sigob, Mattias Toliman, Paul Lapun from PNG and Nicolaas Jouwe, Marcus Kaisiepo, Penchas Torey, Filemon Jufuway, Herman Womsiwor and Eliezer Hamadi, who made plans for the coming independence of PNG and West Papua and the establishment of the Federation of Melanesia.

The West Papuan delegation members talked about the initiatives with their colleagues during the SPC conferences in Noumea.

In April 1961, after the opening of the Nieuw-Guinea Raad at Hotel Bergen Dal in Hollandia they agreed to establish a Federation of Melanesia after independence. The federation would comprise the mainland of Melanesia, Papua New Guinea and West Papua, as well as the Solomon Islands, Vanuatu, Fiji and New Caledonia. Dr. John Guise would be the first president of the Federation of Melanesia, Nicolaas Jouwe, prime minister and Marcus Kaisiepo the speaker of the Senate. Port Moresby would be the new capital of Melanesia and Hollandia the main harbour in South Pacific. Maintaining the relationship with colonial countries would be in a sort of condominium. The main aim was to build the mainland of Melanesia as a peaceful country for future Papuan and Melanesian generations to leave in dignity and harmony with the surrounding neighbours.

9. Conclusion: Slavery and colonialism maintained in Melanesia

Alas the plan of our leaders and our Melanesian dream was suddenly grossly destroyed and smashed once again by foreigners! With a small delegation of Papuans- in-exile we witnessed the political manipulations and transfer of the administration of our land and people at the General Assembly in New York, in October 1969. We witnessed the acceptance of the 100 percent vote for Indonesia by the 1026 selected members of election commission in the so-called democratic election of the Act of Free Choice at West Papua in May 1969, through the leadership of the United States of America and through the United Nations' denial of its own Charter. Very distinguished professor Pieter Drooglever has published this in his book today.

The Ameris were allowed to return and this time not only "robbing men and women", but also with the support of the Americans, the Europeans and the Chinese, they are destructing our land and poisoning food in the rivers by mining. They are drilling for oil and gas; robbing our corals and sea; destroying tribal land by cutting the trees from the jungle for palm plantations; destructing and destroying our habitat, and ecology.

This has caused bitterness for Papuans and Melanesians. We have witnessed that all highly civilised nations and peoples in the world did not stick to international agreements concerning anti-slavery, human rights, granting on independence to colonial countries and people. The conclusion is: we have returned to the centuries of slavery and colonialism.

Therefore I hope that an exact execution of the Special Autonomy Law of 2001 will create a more constructive democratic future for Papua and Indonesia. I may assure you that Papuans are not resentful against Indonesians or others, but they only want justice, respect and dignity as human beings.

Andrew Johnson
Australia West Papua Association (Sydney)
23 September 2010
daeron@optushome.com.au
<http://wpik.org>

The Honorable Hillary Rodham Clinton
Secretary, U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

The Honorable Robert M. Gates
Secretary, U.S. Department of Defense Room 3E880,
The Pentagon
Washington, D.C. 20301-1000

West Papua and the United States, a shared history

Dear Madam Secretary and Mr. Secretary:

In 1962 the United States and West Papua lost control of their destinies, and today America's Congress is still battling an onslaught or corporate misdirection. At a Congress hearing September 22, 2010 the State Department in one breath said it supported human rights but that the black people of Papua don't have the right of self-determination, as guaranteed in United Nations General Assembly resolutions 1514 and 1541. This bizarre double standard can only exist if the corporate myths of 1969 still hold sway in Washington.

Bizarrely, Reuters in 1969 announced "*The United Nations endorsed today Indonesia's take-over of the former territory of Dutch West New Guinea*". A fabrication which is exposed by reading UN resolution 2504. The Reuters claim came three days after a New York Times article explained "*The General Assembly is taking an extended look*" and "*The poll - a so-called act of free choice*".

Not such a mystery, is the history and the reason "the Kennedy administration pressed the Netherlands" to sign an agreement contrary to the previous UN resolutions 1514 and 1541. The reason was fear, and the history starts in 1935 when the Dutch Shell company thought it should survey the colony for minerals, but allowed Standard Oil to buy a 60% holding in the exploration company NNGPM which then did not report to the licensing government the discovery of the world's richest gold & copper deposits in 1936.

Before the death of Michael Rockefeller downriver from today's Grasberg mine, a Rockefeller interest Freeport had applied for permission to "mine the copper ore in the Carstensz Mountains". Strangely Freeport did not mention the gold, which the Papuan Mines Office in March 1959 began searching for because they knew the gold in the Arafura Sea was coming from such a mountain. Coincidentally it was in 1959 that geologist Forbes Wilson flew to Papua to establish a Freeport claim to the mountain which the NNGPM geologist in 1936 had named Ertzberg (Ore Mountain).

Purportedly it was Freeport director Robert Lovett who recommended advisers including his family friend McGeorge Bundy to President-elect Kennedy. As Kennedy was selecting his wise men, during January 1961 Dutch New Guinea was holding elections for a lower house, a raad or New Guinea Council whose inauguration on April 5th 1961 was attended by the President of the Australian Senate and many others. But in Washington the NSC under Bundy began a campaign, documented in the US Dept. of State summary for 1961-1963.

The contract which Robert Kennedy was asked to draft extinguished self-determination. Freeport got its mining license in 1967 but our Pacific War ally, West Papua is a colony where US and Australian aid supports a military repression and exploitation.

Madam Secretary will the United States support human rights and liberty, and Mr Secretary will America stop funding military repression of our Pacific Ally ?

Andrew Johnson
Australia West Papua Association (Sydney)
20 Sept 2010

**Crimes Against Humanity: When Will Indonesia's Military Be Held Accountable for
Deliberate and Systematic Abuses in West Papua?
Evidence from a historical perspective.**

I have done volunteer research on the history and legal circumstance of West Papua since the 1990s. I offer these observations and some historical images for your consideration.

Besides humanitarian concerns, abuse could invoke international obligations, if:

- a) it is to support colonial rule, declared an unacceptable practice by UN members since 1945 ;
- b) it is directed at an ethnic or racial group establishing concerns of genocide as argued by the Yale Law School study in 2004; or c) the abuse warrants a Kosovo style judgement.

Since the 1940s the Ford Foundation has promoted Indonesia as a good partner for the US, first the United States of Indonesia federation and then the Republic of Indonesia. While Japan, Germany and most countries have reformed the integrity of their security forces and governments, the Indonesian military has retained key elements of its wartime origins providing policing and undertaking commercial activities. Although the US has been generous since 1949 especially in providing military aid, we have not seen the achievement of principled governance or widespread prosperity.

N.B. Correspondence this weekend from a Mr Pares Wenda in Papua province in part comments on this, alleging people had greater prosperity and freedoms fifty years ago in a Dutch colony, than in an Indonesian province today. I agree that films and UN reports I have, seem to support this.

The US Indonesia Society lobby seems to suggest that the Javanese are special and strange, I disagree and assert they normal people in a different circumstance than ours. Geographically an archipelago lends itself to colonial rule, it is easy to accept claims that people on another island welcome integration – be it Ireland or West Papua; and if you are a farmer granted lands on the other island, the official claim is more comfortable. Another circumstance is our fault, Japan and Germany had benefit that their Axis leaders were held accountable; the people had no doubt that those leaders and methods had to be disregarded for the national interest. But Sukarno and his militia did not face trial, in its place a post-war fiction ascribed nobility and success to them.

The most devastating of historical fictions for West Papua are the media claims that the United Nations conducted and endorsed the Indonesian "Act of Free Choice" as a transfer of the sovereignty of the people of West Papua to Indonesia. This fiction underscores the sense of entitlement of the Indonesian security forces to repress or silence anyone who disputes the territory is a willing province of the Republic.

Decades of media restriction and purported abuse can not be attributed to aberrant conduct, nor attributed purely to the culture of the security forces. Although accountability is desirable, international issues of abuse will undoubtedly continue until the reason for the abuse is addressed. There is no suggestion that Indonesia is without a judicial system or that article 28 of its constitution does not promise free speech; and it is noteworthy that officers who assassinated Papuan leader Theys Eluay in 2001 were convicted to a few years in jail. But the credibility of Indonesian claims that West Papua is not a colony and does not suffer systemic abuse, are burden by repeated restrictions of public and media access to the region such as in this 1963 New York Times notice.

West Irian Visits Restricted
JAKARTA, Indonesia, Sept. 6 (Reuters)—West Irian (former Netherlands New Guinea) has been declared a "quarantine territory" and visitors to the province must have permission from Foreign Minister Subandrio, who is also Minister for West Irian Affairs, the Government said. No reason was given for the measure.

I bring to your attention a Bureau of European Affairs concern purported in a DoS summary for 1961 to 1963, *"that annexation by Indonesia would simply trade white for brown colonialism"*; and that Ambassador Galbraith in a July 1969 airgram stated *"Regarding the magnitude of the opposition to Indonesian rule, probably a decided majority of the Irianese people, and possibly 85 to 90 percent, are in sympathy with the Free Papua cause or at least intensely dislike Indonesians"*

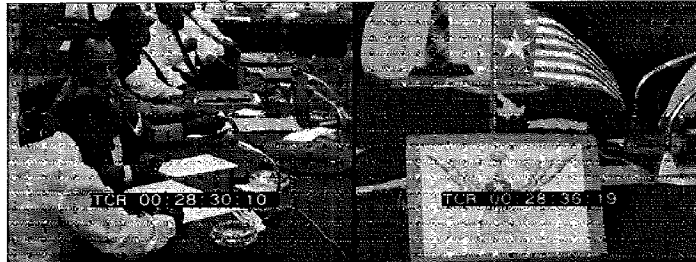
Dino Patti Djalar has now been presented as an Ambassador to the US at a time when the video of Yawan Wayeni and military operations in the central highlands have been gaining notoriety, and as the heavy security presence in West Papua was heading towards incidents such as the shooting of the Kuan family in Manokwari last Wednesday. The appointment of this gentleman speaks volumes about the kind of dialogue General Yudhoyono's government seems to be hoping the United States will be satisfied with.

In a society of good people and nations there would be no need for the courts, laws or the police; successful diplomacy and dialogue thrives on integrity. West Papua is being harvested of its resources and the world community is quietly well of the issues with the Indonesian military; I am sure your good selves are able to quietly recognise a duck when you see it, even a colony. Although decolonization is a matter for the United Nations, Indonesia remains on the UN Decolonization Special Committee of 24.

I again commend for your consideration, the benefit of sponsoring a motion at the UN General Assembly asking that the International Court of Justice provide its advisory opinion about the agreement which the Netherlands signed in 1962 and whether West Papua is a colony. I believe this would provide effective guidance for the Decolonization committee with the least disruption to diplomatic affairs.

I now present stills from three of the news films which I have, a month after the death of Dag Hammarskjöld in 1961 members of the New Guinea Council heard reports of a plan to trade their people to Indonesian rule, they held an emergency session of council and a week later the full council endorsed the proposed manifesto and plan to establish a nation to be called West Papua. Although there were many Papuan rallies denouncing the Indonesian claims to Papua, the first Papuan protests I know of claiming their human rights had been violated were on August 10th 1962. The Netherlands tried to trade their sovereignty without their consent, the news film I have shows their belief that they had been stabbed in the back, not by Brutus but by the 1962 agreement.

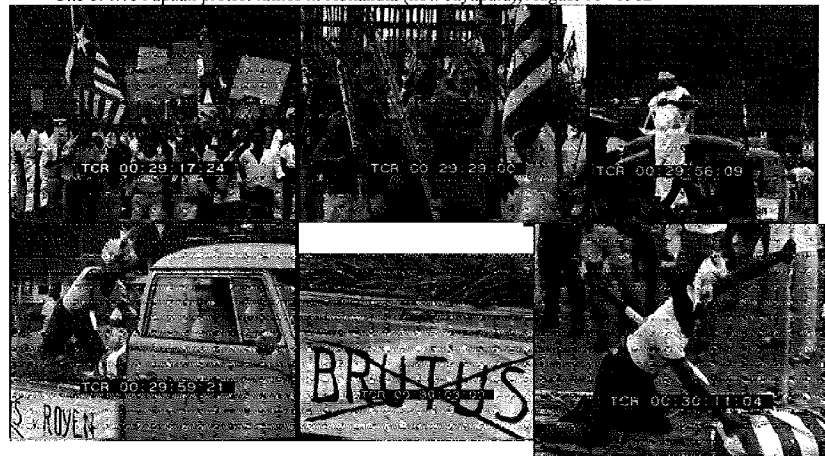
New Guinea Council working on manifesto and national symbols October 18th, 1961



Dutch Governor receiving manifesto and flag from New Guinea Council, October 30th, 1961



One of five Papuan protest rallies in Hollandia (now Jayapura), August 10th 1962



continued — Rally, August 1962



As the Freeport activity was not generally known, I believe the sign (right) asking how many dollars, was simply a guess that somebody with money had promoted the idea of the agreement to the US government.

Below is from the Sydney Morning Herald, dated Sunday Oct 12th 1962

Mass protest by Papuans

PAPUANS, protesting against the proposed transfer of Dutch New Guinea to Indonesia, demonstrated outside the New Guinea Council building in Molepala on Friday. About 1,000 natives, carrying anti-Indonesian banners and placards, "Doves with Bombs," took part in the mass rally — one of five in New Guinea. The rally was orderly and there were no incidents.





**DEWAN PENGURUS PUSAT
LEMBAGA INTELEKTUAL TANAH PAPUA (LITP)**
Papuan Institute of Intellectual

Akta Notaris : 02/Tanggal, 12 April 2010
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**LAGI-LAGI PERISTIWA KEKERASAN MILITER KOMPI DETASEMEN C BRIMOB
POLDA PAPUA DI KOTA MANOKWARI PAPUA PADA RABU 15 SEPTEMBER 2010**

Kejadian tersebut terjadi malam pada pukul 21.30 waktu setempat. Kejadian bermula dari kecelakaan lalu lintas yang menabrak seorang ibu Papua bernama Antomina Kuan dengan kondisi kritis di rumah sakit umum Manokwari. Pelaku (penabrakan) langsung lari ke pos Brimob yang tidak jauh dari tempat kejadian. Seketika itu, ada tujuh orang anggota Brimob datang kelokasi kejadian dengan membawa senjata tanpa berpakaian seragam militer. Ketika tiba di lokasi melakukan tindakan penembakan kepada masyarakat sipil yang kebetulan berada di tempat kejadian. Masyarakat Papua yang menjadi korban penembakan dan meninggal dunia sebanyak dua orang yaitu masing-masing bernama Naftali Kwan dan Septi Kwan, sedangkan yang luka parah kena tembakan adalah Ibu rumah tangga "Antomina Kwan" dalam keadaan kritis dan dirawat di rumah sakit umum daerah Manokwari.



Jenazah Almarhum Naftali Kwan dan Almarhum Septi Kwan bersama keluarga Besar Kwan Manokwari Papua

Berdasarkan informasi terpercaya dari masyarakat Kota Manokwari bahwa peristiwa tersebut sudah disetting/direncanakan secara sistematis oleh aparat militer di Manokwari hal itu dapat dilihat/dibuktikan dengan indikasi sebagai berikut: Sebelum terjadi penembakan di lokasi kejadian seketika itu terjadi pemadaman listrik dan jaringan telekomunikasi, dimaksudkan untuk menghilangkan barang bukti dan pelaku penembakan.

Berhubungan dengan peristiwa tersebut, tokoh masyarakat dan tokoh adat serta pemuka agama Kristen Papua di Manokwari merespon dan mengecam keras peristiwa penembakan itu dan mengkategorikannya sebagai pelanggaran Hak Azasi Manusia (HAM) berat karena

dilakukan secara sistematis dan terencana terhadap masyarakat sipil selanjutnya melalui kesempatan itu pula mendesak Kapolda Papua agar segera mengusut tuntas pelaku penembakan dan diproses sesuai hukum yang berlaku, mencopot Kapolres Manokwari, dan menarik pasukannya keluar dari Kota Manokwari.

Berkaitan dengan peristiwa di atas maka, Lembaga Intelektual Tanah Papua (LITP) di Indonesia mendesak Perserikatan Bangsa-Bangsa (PBB) dan Dunia Internasional segera menjadi mediator untuk menyelesaikan status Politik di Tanah Papua.

**Dewan Pengurus Pusat
Lembaga Intelektual Tanah Papua
Hormat**

**ttd
Pares L Wenda
Ketua Politik, Hukum dan HAM**

**Ttd
Natalsen Basna
Ketua Umum**



**DEWAN PENGURUS PUSAT
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**PERNYATAAN SIKAP LEMBAGA INTELEKTUAL TANAH PAPUA
(LITP)**

Orang Papua adalah bagian dari ras Melanesia, ketika NKRI mengambil alih negeri itu masuk menjadi bagian dari wilayah administrative Pemerintah Indonesia pada tahun 1962. Sejak itu pelanggaran HAM terhadap masyarakat Pribumi Papua mulai dimusnahkan secara sistematis hingga sekarang 2010 ini. Pelanggaran hak asasi manusia di Papua meliputi pelanggaran hak hidup, hak memperoleh ekonomi, pelayanan kesejahteraan, pendidikan, kesehatan, dan pembangunan infrastruktur yang layak dan menyeluruh bagi seluruh komunitas pribumi Papua. Jika dibandingkan dengan masa pemerintahan Belanda di Tanah Papua, hak – hak rakyat pribumi Papua dilindungi, perlindungan dan kelestarian lingkungan alam hutan, air, laut, dan flora dan fauna, pelayanan kesehatan yang baik dan bertanggungjawab. Tetapi ketika rekayasa Penentuan Pendapat Rakyat Papua yang didalangi oleh Washington, maka terjadi pelanggaran hak asasi manusia terbesar yang dilakukan oleh Militer Indonesia terhadap rakyat pribumi Papua. Dimana Pemerintah Indonesia menetapkan Tanah Papua yang kaya itu sebagai Daerah Operasi Militer (DOM). Sebagian besar masyarakat asli Papua ditembak karena proyek operasi militer secara besar-besaran terjadi di Papua.

Undang – undang No. 21/2001 tentang Otonomi khusus Papua yang merupakan jembatan emas dan juga sebagai dewa penolong bagi rakyat pribumi Papua untuk mengubah kemiskinan orang Papua. Namun, Otonomi khusus tersebut memindahkan sistem kekuasaan, kekerasan, dan rekayasa dari Pusat ke daerah Papua dimana Pemerintah Pusat tidak serius menjalankan otonomi khusus secara bijak, tidak ada regulasi daerah khusus Papua yang mengatur dan mengakomodasi kepentingan rakyat asli Papua. Otsus sudah berjalan 9 tahun, namun manfaat Otsus tidak terukur.

Pemerintah Pusat menganggap anak – anak asli Papua yang menjabat sebagai Gubernur, Bupati/Walikota, dan kepala – kepala dinas adalah sebagai boneka bagi Pemerintah Pusat sekaligus sebagai representatif dari rakyat asli Papua. Dengan hadirnya Otonomi khusus di Papua, penambahan penduduk non Papua secara besar – besaran yang masuk ke Papua dan membentuk sistem mata rantai yang menguasai berbagai bidang ekonomi, pengelolaan sumber daya alam dan pencurian kayu, dan penyelundup flora dan fauna khas Papua ke Indonesia.

Ada beberapa hal pokok yang memicu pergerakan orang Papua berjuang untuk memisahkan diri dari NKRI adalah pertama, ras melanesia, warna kulit hitam, rambut kriting dan berbeda budaya. Kedua, pelanggaran HAM terbesar di Papua sejak tahun 1962 hingga 2010 ini. Ketiga, ketidakadilan, dan keempat, strategi perang Pemerintah Republik Indonesia melalui penyebaran virus HIV dan IDS di Tanah Papua.

Dengan uraian latar belakang di atas, maka Lembaga Intelektual Tanah Papua di Indonesia dengan ini menyatakan beberapa statement sebagai berikut:

- Pertama : Kami Lembaga Intelektual meminta dengan tegas Organisasi Perserikatan Bangsa Bangsa, Amerika, Belanda, Inggris dan Dunia Internasional mengakui kemerdekaan orang Papua yang telah dideklarasikan oleh rakyat Papua pada tahun 1961;
- Kedua: Mcminta Organisasi Perserikatan Bangsa – Bangsa, Belanda, Inggris dan Dunia Internasional mendesak Negara Indonesia untuk mengakui kemerdekaan Papua Pada Tahun 1961;
- Ketiga: kami Lembaga Intelektual tidak mengakui pelaksanaan PEPERA tahun 1969 oleh Negara Republik Indonesia;
- Keempat: Otonomi Khusus di Papua telah gagal, oleh karena itu dengan tegas kami menolak rencana Pemerintah Republik Indonesia untuk mengevaluasi dan merevisi pelaksanaan Otonomi Khusus di Papua.
- Kelima: Dalam pengakkan hak asasi manusia secara universal, maka kami Lembaga Intelektual Tanah Papua mendesak Dunia Internasional untuk mendorong penegakan HAM di Papua;
- Keenam: Kami minta dengan tegas kepada Dunia Internasional untuk intervensi dan perlindungan keamanan di Tanah Papua Papua;

**Dewan Pengurus Pusat
Lembaga Intelektual Tanah Papua
Hormat**

**Pares L Wenda
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